

## Pre-Adoption Review Application for MBTA Communities Under Section 3A of the Zoning Act

### Description Area

Please read the Section 3A Compliance Guidelines and the Instructions before starting to complete this form. Find these documents at [mass.gov/mbtacomunities](https://mass.gov/mbtacomunities). This application may be submitted by an MBTA community seeking an opinion from DHCD as to whether a proposed zoning district complies with Section 3A of the Zoning Act and with the Compliance Guidelines for Multi-family Zoning Districts issued by DHCD August 10, 2022, as amended and/or revised (Compliance Guidelines). This application may be submitted by a municipal official undertaking Section 3A compliance activities. A red asterisk (\*) next to a question on this form indicates that a response is required. Users will not be able to submit the form unless all required answers are completed. If upon submitting, the form returns to the questions section, there is an asterisked question that was not answered. Other documentation required to be submitted with this form includes: A completed Compliance Model Excel workbook file demonstrating the district's "zoning metrics", including land area, estimated unit capacity, gross density, geographic contiguity, and, if applicable, the percentage of district land area and unit capacity (relative to the community's minimum requirements) that is within transit station areas; A complete copy of the municipal zoning ordinance or bylaw and zoning map; A zip folder containing GIS shapefile(s) for the zoning district(s) designated for compliance. If Inclusionary Zoning (IZ) is applicable in the district designated for compliance, the pre-adoption review may include a determination as to whether an economic feasibility analysis (EFA) is required. If an EFA has already been completed, DHCD will review the EFA as well.

## Section 1. Community Information

### 1.1 Municipality

Manchester

### Description Area

Information about the community's specific zoning requirements under Section 3A and the Compliance Guidelines:

### 1.2 Community Category

Commuter Rail

### 1.2a Minimum multi-family unit capacity

2433

### 1.2b Minimum Land Area in acres

37

### 1.2c Percent of district to be located in Transit Station Areas (express as a percentage, e.g. "50" for fifty percent)

40

**1.3 Information about the contact person for this application**

Marc Resnick

**1.3a Job Title/Description**

Director of Land Management

**1.3b Email Address**

resnickm@manchester.ma.us

**1.3c Phone Number**

(978) 525-6405

**1.4 Information about the municipal CEO**

Gregory Federspiel

**1.4a Municipal mailing address of CEO**10 Central Street  
Manchester-by-the-Sea, MA 01944**1.4b Email address of municipal CEO**

federspielg@manchester.ma.us

**Section 2. Compliance Documentation****Description Area**

Responses to the following questions should match the information from the Compliance Model Excel workbook which must also be uploaded.

&nbsp;Please note: &nbsp;the total capacity for file uploads in this application is 25MB. &nbsp;If your files are too large for uploading, please provide links where DHCD can download the files. &nbsp;If you need assistance with this process, contact [nathan.carlucci@mass.gov](mailto:nathan.carlucci@mass.gov) or [emma.snellings@mass.gov](mailto:emma.snellings@mass.gov)

**District 1:**

<b>Description Area</b>	<p>Section 3A requires MBTA communities to have a zoning "district" of reasonable size that allows multi-family housing as of right. To demonstrate compliance with the law, MBTA communities may submit a "district" that differs from boundaries adopted at the municipal level. For example, the "district" designated for compliance with Section 3A might consist of a portion of a municipal zoning district or might contain all of, or portions of, multiple municipal zoning districts. Furthermore, a single zoning district might have multiple subdistricts with distinct zoning rules. The Compliance Model requires communities to input a separate "district" for each distinct set of zoning rules, whether they are derived from districts or subdistricts. This does not mean that separate entries are required where one district or subdistrict appears in multiple distinct geographies on a zoning map. The districts used on this application must match the districts used in the Compliance Model workbook. If the MBTA community used only one district in the Compliance Model, enter that information for "District One". If the MBTA community used multiple districts in the Compliance Model, enter the first district for "District One". This application will accept up to six distinct districts/subdistricts. If more than six are necessary, please contact MBTA communities' staff. Once each separate district/subdistrict information has been entered, there is a separate section for the cumulative data of all districts.</p>
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<b>District 1: 2.1 Brief narrative description of the district, including its name and location</b>	<p>The Community Housing Overlay Districts (CHOD) has four districts.</p> <p>The Lower Pine Street to Powder House District has two subdistricts: Newport and Powder House Sub-district and Lower Pine Street Sub-district. The District allows multifamily housing as of right. The Lower Pine Street Subdistrict limits the number of dwelling units per lot to 5.</p> <p>This is the largest district within the CHOD and meets the contiguity test.</p>
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<b>Description Area</b>	Inputs for the quantitative "zoning metrics" fields below can be found in the Compliance Model workbook Summary Tab
<b>District 1: 2.2 Land area in acres</b>	21.42
<b>District 1: 2.3 Estimated unit capacity</b>	335
<b>District 1: 2.4 Gross density in units per acre</b>	15.76
<b>District 1: 2.5 Land area (acres) in transit station areas</b>	19.17
<b>District 1: 2.6 Estimated unit capacity in transit station areas</b>	329

District 1: 2.7 Is there a second district or subdistrict?	Yes
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## District 2:

District 2: 2.1 Brief narrative description of the district, including its name and location	The Allen to Lincoln District is the second district within the CHOD. This district allows multifamily housing as of right.
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District 2: 2.2 Land area in acres	5.52
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District 2: 2.3 Estimated unit capacity	75
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District 2: 2.4 Gross density in units per acre	14.20
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District 2: 2.5 Land area (acres) in transit station areas	4.12
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District 2: 2.6 Estimated unit capacity in transit station areas	62
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District 2: 2.7 Is there a third district or subdistrict?	Yes
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## District 3:

District 3: 2.1 Brief narrative description of the district, including its name and location	The Beach Street to Sea Street District is the third district in the CHOD. It has two subdistricts: the Beach Street Sub-district and the Sea Street Sub-district. The District allows multifamily housing as of right. The Sea Street Subdistrict limits the number of dwelling units per lot to 4.
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District 3: 2.2 Land area in acres	5.16
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District 3: 2.3 Estimated unit capacity	73
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District 3: 2.4 Gross density in units per acre	14.13
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District 3: 2.5 Land area (acres) in transit station areas	5.16
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District 3: 2.6 Estimated unit capacity in transit station areas	73
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District 3: 2.7 Is there a fourth district or subdistrict?	Yes
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## District 4:

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<b>District 4: 2.1. Brief narrative description of the district, including its name and location</b>	The Beaver Dam Road District is the fourth district in the CHOD. The District allows multifamily housing as of right and limits the number of dwelling units per lot to 100.
<b>District 4: 2.2 Land area in acres</b>	7.62
<b>District 4: 2.3 Estimated unit capacity</b>	100
<b>District 4: 2.4 Gross density in units per acre</b>	14.44
<b>District 4: 2.5 Land area (acres) in transit station areas</b>	0.00
<b>District 4: 2.7 Is there a fifth district or subdistrict?</b>	No

## Cumulative Zoning Metrics

<b>Description Area</b>	This section appears for MBTA communities that are using more than one municipal zoning district or subdistrict to demonstrate compliance with Section 3A. Find this information in the "Totals" column of the "Comparison Table of Requirements and Modeled Results" on the Summary Tab of the Compliance Model workbook.
<b>2.8 Cumulative Land Area in acres</b>	39.73
<b>2.9 Cumulative Unit Capacity</b>	583
<b>2.10 Overall gross density in units per acre</b>	15.09
<b>2.11 Cumulative Land area (acres) in transit station areas</b>	28.50
<b>2.12 Estimated unit capacity in transit station areas</b>	464
<b>2.13 Percentage of land area (to minimum land area requirement) in transit station area. Enter as a percentage, i.e. "50" for 50%.</b>	77.00
<b>2.14 Percentage of unit capacity (to minimum unit capacity requirement) in transit station area. Enter as a percentage, i.e. "50" for 50%.</b>	80
<b>2.15 Is at least 50% of the district land area comprised of one contiguous geography?</b>	Yes

**2.16 Are any district geographies smaller than 5 acres included in the land area calculation?** No

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### Section 3: Compliance Model Uploads

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<b>Description Area</b>	Please note: the maximum file size for the total of all uploads in this application is 25MB. If files are too large for uploading, please provide links where DHCD can download the files. Further instructions for uploading shapefiles are available in the District Compliance Application Instructions. If you need assistance with this process, contact <a href="mailto:nathan.carlucci@mass.gov">nathan.carlucci@mass.gov</a> or <a href="mailto:emma.snellings@mass.gov">emma.snellings@mass.gov</a>
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<b>3.1 Did this community complete the Compliance Model and achieve numerical zoning standards that satisfy the requirements of Section 3A and the Compliance Guidelines?</b>	Yes
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<b>3.1a Completed Compliance Model Excel workbook</b>	<a href="https://www.formstack.com/admin/download/file/16556434441">https://www.formstack.com/admin/download/file/16556434441</a>
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	<a href="https://www.formstack.com/admin/download/file/16556434442">https://www.formstack.com/admin/download/file/16556434442</a>
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<b>3.1c Zip folder containing GIS shapefile components for the designated zoning district(s)</b>	<a href="https://www.formstack.com/admin/download/file/16556434443">https://www.formstack.com/admin/download/file/16556434443</a>
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<b>3.2 Were any modifications made to the calculations of the Compliance Model workbook, or to the parcel configurations or excluded land classifications provided by DHCD in the land maps?</b>	No
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<b>Description Area</b>	Communities may find that modifications are necessary for the data contained in the Compliance Model to accurately reflect on-the-ground realities. For example, parcel configurations may have changed, or publicly owned land may have been disposed for private housing development. The Compliance Model workbook component allows users to override some of this data to better reflect those realities. If the community made any adjustments to that data, please submit a list of the adjustments that were made, and, if applicable, provide any evidence justifying the override (e.g., copy of a disposition agreement, a recorded plan of land, a recorded deed, etc).
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### Section 4: Zoning Uploads

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<b>Description Area</b>	<p>In the following section please provide a copy of the complete municipal zoning ordinance or bylaw, the proposed zoning amendments, the zoning map and a map showing the proposed districts. &amp;nbsp;Please ensure that all uploads are in PDF format with searchable text and all map imagery is sufficient resolution for a user to zoom in and clearly read all labels and texts. &amp;nbsp;If the community's official zoning map is in color, the upload must be in full color as well. Please note that the district compliance application requires certification by the city or town clerk that the uploaded zoning is complete and up to date.&amp;nbsp;Please note: &amp;nbsp;the total capacity for file uploads in this application is 25MB. &amp;nbsp;If your files are too large for uploading, please provide links where DHCD can download the files. &amp;nbsp;If you need assistance with this process, contact <a href="mailto:nathan.carlucci@mass.gov">nathan.carlucci@mass.gov</a> or <a href="mailto:emma.snellings@mass.gov">emma.snellings@mass.gov</a></p>
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<b>4.1 Please upload the complete existing zoning text</b>	<a href="https://www.formstack.com/admin/download/file/16556434445">https://www.formstack.com/admin/download/file/16556434445</a>
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<b>4.1b Please upload any proposed amendments to the zoning text</b>	<a href="https://www.formstack.com/admin/download/file/16556434446">https://www.formstack.com/admin/download/file/16556434446</a>
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<b>4.2 Please upload the official zoning map</b>	<a href="https://www.formstack.com/admin/download/file/16556434447">https://www.formstack.com/admin/download/file/16556434447</a>
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<b>4.3 Is the municipality a town or a city?</b>	Town
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<b>4.3a When does the Town plan to adopt or amend the zoning by-law at Town Meeting in order to comply with Section 3A?</b>	Oct 01, 2024
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<b>Description Area</b>	Section 9 of the Compliance Guidelines requires towns to submit evidence that a new or amended by-law was adopted and was submitted to Attorney General's Office by submission of "Form 7" prior to submitting an application for District Compliance.
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## Section 5: Inclusionary Zoning/Affordability Requirements

<b>5.1 Is multi-family housing development in this district subject to affordability requirements?</b>	Yes
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<b>5.2 Through which mechanism are affordable units required? (check all that apply)</b>	Inclusionary zoning bylaw or ordinance that is specific to the district designated for compliance with Section 3A, and is NOT connected to any DHCD zoning incentive program such as c. 40R
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<b>Description Area</b>	DHCD pre-adoption review of affordability requirements, and, if applicable, an economic feasibility analysis, is recommended, but not required. If a pre-adoption review application is submitted without the affordability provisions or an economic feasibility analysis, there is a risk that some requirement of the inclusionary zoning may later cause a pre-approved zoning district to not be certified as compliant when the MBTA community applies for district compliance.&nbsp;
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## Section 6: Zoning Data

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<b>6.1 Please describe the zoning (or non-zoning) changes that are proposed. Select all that apply</b>	A new zoning district
<b>6.2 How does the new district differ from the previous or underlying base zoning district(s)? Select all that apply</b>	<p>Allows multi-family housing as of right, vs by special permit</p> <p>Allows more dwelling units per lot by direct dimensional regulations (i.e. units per lot area, etc)</p> <p>Allows more dwelling units per lot by indirect dimensional regulations (i.e. setbacks, FAR, etc)</p>
<b>6.6 Will the changes be voted on using a Simple Majority voting threshold under c. 40A Section 5?</b>	Yes
<b>6.8 Please describe any other changes that were made previously made to comply with Section 3A</b>	<p>Note 1: The date of Town Meeting on an earlier page is approximate; the date has not yet been set.</p> <p>Note 2: The Town has contracted for an EFA which will be completed during EOHLC's review process.</p> <p>Note 3: The draft zoning contains minor modifications to other sections to incorporate the new section.</p>

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