

Summary of Proposal to Amend the Manchester Zoning By-Law.

Introduction: In an effort to be concise and readable, this summary does not include detailed language of the proposed zoning bylaw. Please refer to the actual zoning amendment document. Reference is also made to the Manchester's existing Zoning By-Law available on the Town's website

The proposed Zoning By-Law establishes four new Community Housing Overlay Districts ("CHOD") and modifies other sections of the existing Zoning By-Law to accommodate this provision. The By-Law includes maps showing the boundaries of these new districts as part of the Town's official Zoning Map. Owners of property within a CHOD are not required to do anything; however, if their lot is large enough, they are given additional rights to add housing units. Any submittal for housing allowed under this proposed By-Law is subject to Site Plan Review through the Planning Board and it is also still subject to all State and Local Regulations, including wetland protection, public health requirements and conservation restrictions.

Section 9 of Manchester's current Zoning By-Law is titled "Special Housing Provisions". This proposal would add a new 9.4 to this Section to be called "Community Housing Overlay Districts". Each provision of this new By-Law is described below.

9.4.1 Purpose

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

9.4.2 Establishment and Applicability

The new By-Law establishes four special zoning districts with a total land area of approximately 39.7 acres. Each of these new overlay districts is superimposed over the underlying zoning district(s). Two of these districts are comprised of two sub-districts that have different rules governing development.

1. Applicability of the CHOD. An applicant may develop multi-family housing within a CHOD "by right", i.e. without discretionary approval, as long as they comply with the rules and requirements of these overlay districts and with the overall Zoning By-Law.

2. Underlying Zoning. The CHOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the existing Zoning By-Law governing the underlying zoning district(s) are unchanged. Uses that are

not allowed under the CHOD are still subject to all the requirements of the underlying zoning district(s).

3. Districts. There are four proposed districts. Two of these districts are comprised of two sub-districts. Maps showing these districts are available on the Town's website.

a. *Lower Pine Street to Powder House District*

i. Newport and Powder House Sub-district

ii. Lower Pine Street Sub-district

b. *Allen to Lincoln District*

c. *Beach Street to Sea Street District*

i. Beach Street Sub-district

ii. Sea Street Sub-district

d. *Beaver Dam Road District*

9.4.3 Definitions.

Terms that apply only to the CHOD are defined here. The most important is the definition of multifamily housing, which is *three or more residential units in a single building, or two or more buildings on a single lot with at least two residential units in each.*

9.4.4 Permitted Uses.

Both multi-family housing and some accessory uses are allowed by right within each CHOD, as long as they conform to the rules and requirements of the By-Law. Other accessory uses require a special permit.

9.4.5 Dimensional Standards.

In general, frontage, setback, height and lot coverage limitations are similar or identical to current requirements in underlying zoning districts. Dimensional regulations that apply to development within the CHOD include the following:

Minimum Lot Size: 6,000-6,500 SF, depending on the district/subdistrict (This is a little more than 1/8 acre, large enough for three residential units plus five parking spaces); five acres is the minimum lot size in the Beaver Dam Road district

Minimum Lot Area for each Residential Unit: 2,000 or 2,500 SF for the first unit and 2,000 SF for every unit thereafter in the downtown districts; 4,000 SF for the first unit and 3,000 SF for every unit thereafter in the Beaver Dam Road District.

Maximum Number of Units per Lot: 5 in the Pine St. Subdistrict, 4 in the Sea St. Subdistrict, 100 in the Beaver Dam Rd. District.

Height Limits: 2 ½ stories (same as existing requirement) except 4 stories in the Newport/Powder House Subdistrict and the Beaver Dam Rd. District.

9.4.6 Off-Street Parking

- 1.5 spaces per unit for properties near downtown (consistent with current zoning)
- 2 spaces per unit in the Beaver Dam District

9.4.7 Site Plan Review and Approval

1. Applicability: Site Plan Review is required for any multifamily project proposed under provisions of the CHOD. The Planning Board is the Permitting Authority for Site Plan Review.
2. Procedure and Submission Requirements: The requirements of the existing Zoning By-Law apply, including notification to abutters and a Public Hearing. See Section 12 of the existing Zoning By-Law. Additional requirements are listed below.
3. Review Requirements: The Planning Board will review the application and plans to be sure that the proposed development is consistent with the Standards for the CHOD.
4. Design Review Committee: The Planning Board shall create a Design Review Committee (DRC) with professional design experience to assist the Board in reviewing the design of the proposed buildings.
5. Design Review Process: The applicant for Site Plan Review must submit specific plans and other materials as part of the Site Plan Review and Design Review Process.
6. Site Plan Approval: Approval may be granted by the Planning Board if it determines that the requirements and objectives of the CHOD have been met. The Planning Board may also impose reasonable conditions to ensure that the requirements of the CHOD and the General Development Standards and Performance Standards in the existing Zoning By-Law (Sections 6.3-Performance Standards and Section 12.6- Site Plan Review) are satisfied.
7. Project Phasing: Projects may be developed in phases in accordance with an approved full buildout plan. An unbuilt phase will have a valid permit for two years but may be extended.

9.4.8 General Development Standards for the CHOD

1. Development standards in the CHOD are applicable to all multi-family development within the CHOD. These standards are additional criteria for Site Plan Review.
2. Performance Standards for Special Permits and Site Plan Review described in Section 6.3 of the existing Zoning By-Law apply to all developments under the CHOD.
3. In cases where a proposed CHOD development is within a Water Resources Overlay Protection District, the review criteria for granting a special permit in Section 10.3 remain in effect and will be applied under Site Plan Review. However, the applicant does not need to apply for a separate Special Permit.

9.4.9 Design Guidelines for the CHOD

Design Guidelines describe the specific requirements for the location, massing and orientation of buildings. Rules for the placement of doors and windows, trim details, roof pitch and length, use of dormers, and suggested building materials are also included.

A different set of Design Guidelines appropriate for larger developments is provided for the Beaver Dam Road District.

Waivers from some of these standards and guidelines may be granted by the Planning Board, but only if they further the interests of design flexibility to improve project quality, and upon a finding of consistency with the neighborhood and overall purpose and objectives of the CHOD.

9.4.10 Affordability Requirements. For projects with 5 or more units, 20% of the units must be affordable and eligible for listing on the State's Subsidized Housing Inventory (SHI).