

Article [TBD]. Community Housing Overlay District

To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Laws by inserting a new Section 9.4, as set forth below, to create a new Community Housing Overlay District, and to amend Section 2.0 (“Definitions”) by inserting the new definitions set forth below; and further, to see if the Town will vote to amend the Zoning Map of Manchester-by-the-Sea to accept and incorporate the Community Housing Overlay District Maps, dated [Date], and on file in the Office of the Town Clerk, as part of the Zoning Map of Manchester-by-the-Sea; and take any other action relative thereto.

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

Section 9.4: Community Housing Overlay Districts

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 Laws Chapter 40A), preserve the character of the Town, minimize the impact to the community, and add options for multi-family housing.

9.4.2 Establishment and Applicability

This CHOD is a combination of multiple districts with a total land area of approximately 39.7 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Community Housing Overlay District Maps, dated [Date], and on file in the Office of the Town Clerk (hereinafter “the CHOD Maps”).

1. **Applicability of CHOD.** An applicant may develop multi-family housing located within a CHOD in accordance with the provisions of this Section 9.4.
2. **Underlying Zoning.** The CHOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the CHOD. Uses that are not identified in Section 9.4 are governed by the requirements of the underlying zoning district(s).
3. **Districts.** The CHOD contains the following four districts and four sub-districts, all of which are shown on the CHOD Maps:
 - 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.

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

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section 9.4.
3. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.
4. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities.
5. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
6. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
7. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
8. **Section 3A.** Section 3A of the Zoning Act.
9. **Sub-district.** An area within the CHOD that is geographically smaller than the CHOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

9.4.4 Permitted Uses

1. **Uses Permitted as of Right.** The following uses are permitted as of right within the CHOD.
 - a. Multi-family housing.
 - b. In the CHOD Districts that overlay the General District, non-residential uses allowed as-of-right in General District may be combined with multi-family housing to create a mixed-use building. Such non-residential uses shall be restricted to the ground floor with the multi-family dwelling units on the upper floors.

2. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section 9.4.4.1.
- a. Parking, including surface parking and parking within a structure such as an attached or detached above ground or underground parking garage on the same lot as the principal use.
 - b. Customary Home Occupation, as defined by Section 2.0 and Section 4.3.3, except in the Beaver Dam District.
 - c. 3. Accessory Uses by Special Permit
 - a. In the Beaver Dam Road District, the following accessory uses are allowed by Special Permit from the Planning Board:
 - i. Pool for use of the residents and accessory structures customary to such use;
 - ii. Fitness center for use of the residents;
 - iii. Community room for use of the residents and available for use by community organizations; and
 - iv. Customary Home Occupation, as defined by Section 2.0 and Section 4.3.3.
 - b. Accessory structures on the same lot and customarily incidental, to residential use, such as a storage shed, gazebo, or similar.

9.4.5 Dimensional Standards

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

Districts	Lower Pine St. to Powder House		Beach to Sea		Allen to Lincoln	Beaver Dam Rd.
Subdistricts	Pine St	Newport & Powder House	Beach St	Sea St		
Minimum Lot Size (SF)	6,000	6,000	6,500	6,500	6,500	217,800
Base Lot Size (1 st Unit)	2,000	2,000	2500	2500	2500	4000
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 - Max						
Stories	2.5	4	2.5	2.5	2.5	4

Districts	Lower Pine St. to Powder House		Beach to Sea		Allen to Lincoln	Beaver Dam Rd.
Subdistricts	Pine St	Newport & Powder House	Beach St	Sea St		
Feet	35	45	35	35	35	45
Lot Coverage - Max						
by Structures (%)	40	40	40	40	40	40
by Structures and Impervious Surfaces (Total) (%)	60	70	70	70	70	60
Setbacks - Min						
Front (ft)	15	5	5	10	15	50
Side (ft)	15	10	10	10	15	50
Rear (ft)	15	10	10	10	15	50

2. **Multi-Building Lots.** In the CHOD, lots may have more than one principal multi-family building.
3. **Building Unit Caps.** In the Lower Pine Street Subdistrict, Sea Street Subdistrict, and Allen to Lincoln District no more than three (3) units may be constructed within a single building.
4. **Accessory Structures.** In the CHOD, Accessory Structures shall require a special permit from the Planning Board and shall be set back from the side and rear lot lines as required in the underlying zoning district. Accessory structures shall be set back an additional ten (10) feet from the required Front setback line. In the Beaver Dam Road subdistrict, Accessory Structures shall be set back no less than fifteen (15) feet from the Side and Rear lot lines and an additional fifteen (15) feet from the required Front setback line. Accessory Structures shall not exceed 20' from the ground or 1 ½ stories.
5. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
6. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in Section 9.4.5. Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
7. **Structured Parking.** Structured parking shall be allowed only in the

Newport/Powder House Subdistrict and the Beaver Dam District with a Special Permit from the Planning Board. Structured Parking Facilities shall be limited to a maximum height of 35 feet and three stories above ground level.

9.4.6 Off-Street Parking

These parking requirements are applicable to development in the CHOD.

1. **Number of parking spaces.** The following **minimum** numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family – Beaver Dam Road district	2 spaces per Residential Dwelling Unit
Multi-family – all other CHOD districts	1.5 spaces per Residential Dwelling Unit. Fractional spaces shall be rounded up to the next whole number.

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).

9.4.7 Site Plan Review

1. **Applicability.** Site Plan Review is required for any development project proposed under this Section 9.4. An application for Site Plan Review shall be submitted to the Planning Board for Review under Section 12.6 Site Plan Review.
2. **Procedure and Submission Requirements.** The requirements of Section 12.6.3 Procedure through Section 12.6.12 Appeal shall apply with the addition of the Site Plan Approval requirements below.
3. **Review Requirements.** The application and plans shall be reviewed by the Planning Board for consistency with the purpose and intent of Sections 9.4.4 through 9.4.6 and Sections 9.4.8 through 9.4.10 and Section 6.3 Performance Standards for Special Permits and Site Plan Review.
4. **Design Review Committee.** The Planning Board shall appoint a Design Review Committee (DRC) of three members: one member of the Planning Board and two design professionals appointed by a majority of the Planning Board members.
 - a. Members shall be appointed annually.
 - b. Members may be reappointed.
 - c. The Planning Board may remove a member who misses more than 50% of the meetings in a single year or who otherwise fails to participate in the duties of the DRC.

- d. The DRC shall provide a written advisory opinion to the Planning Board as to whether the application is consistent with Section 9.4.8 General Development Standards and Section 9.4.9. Design Guidelines. Such opinion shall be filed within 35 days of the receipt of the application by the DRC. If the DRC fails to provide such written opinion within said 35 days, the Planning Board shall assume that the DRC has no objection to the application and shall proceed with the Site Plan Review process.
5. **Design Review Process.** The following process shall be followed by all projects subject to site plan review within the CHOD.
- a. The Applicant shall provide the following additional information as part of the materials required under Section 12.6.4 Site Plan Requirements:
- i. Statement of design intent. Written narrative describing how the design of the proposed development incorporates the design guidelines in Section 9.4.9 Design Guidelines. The narrative shall include the current use of the site and its condition, the proposed use of the site, and the name of the architect or designer. The narrative shall address the overall design concept; the relationship of the proposed design to the context of the surrounding District (including the architectural form and character, the natural environment, patterns of vehicular and pedestrian access and circulation); the proposed development's contribution to an inviting and safe public realm (including lighting, landscape, signage, and ground-level pedestrian experience); and the contribution of the architectural design to the District (including the contribution of building form and composition, façade form and composition and articulation, and materials, color, and lighting).
 - ii. Site plans, building elevations,) floor plans, and three-dimensional views of the proposed site. For a project on a site with a grade change of 10% or more, a site section showing the relationship of the building(s) to existing buildings abutting the site shall be required. The relevant design elements specified in Section 9.4.9 shall be identified in these documents.
 - iii. Palette with samples of materials, proposed color scheme, and cut sheets of lighting fixtures and other architectural elements.
6. **Site Plan Approval.** Site Plan approval for uses listed in Section 9.4.4 Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the requirements and objectives of this by-law have been met. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure compliance with Section 12.6 and Section 9.4 of the Zoning By-Laws.
7. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Planning

Board provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. The Approval for an unbuilt phase will be valid for two years after the issuance of the first occupancy permit for the previous phase. The Planning Board may extend Approval of unbuilt phases for 1-year periods provided that the phase is still in compliance with this By-Law. No project may be phased solely to avoid the provisions of Section 9.4.10 Affordability Requirements. In phased developments with affordable units the type, size, location, and timing of construction shall be reviewed and approved by the Planning Board.

9.4.8 General Development Standards

1. Development standards in the CHOD are applicable to all multi-family housing developments within the CHOD. These standards are components of the Site Plan Review process in Section 12.6 Site Plan Review unless otherwise modified by this Section 9.4.
2. Existing Requirements in the By-laws:
 - a. **Industrial Performance Standards.** Section 5.10 Performance Requirements within the Limited Commercial District shall not apply to the Beaver Dam Road district.
 - b. **Parking.** The requirements of Section 6.1 Off-Street Parking shall apply, with the following exception: residential parking requirements in Table 6.1 is superseded by Section 9.4.6. Off-Street Parking. During the Site Plan Review the Planning Board may reduce the required parking by no more than 20%.
 - c. **Performance Standards.** Section 6.3 Performance Standards for Special Permits and Site Plan Review shall apply to all developments under this Section 9.4 that are required to undergo Site Plan Review. The following components of this section do not apply:
 - i. Section 6.3.3 General Standards, paragraph 9. Fiscal Impact.
 - ii. Section 6.3.6 Topographical Changes. The reference to Section 6.4 Earth Removal and Filling shall not indicate a requirement for Special Permit.
 - iii. Section 6.3.9 Aesthetic Standards.
 - iv. Section 6.3.12 Fiscal Analysis Standards.
 - d. **Other Sections Requiring a Special Permit.** The following sections in the Zoning Bylaws of the Town of Manchester-by-the-Sea require a Special Permit. For the purposes of this Section 9.4, the criteria for granting a Special Permit for each of the districts below are incorporated into the Planning Board's Site Plan Review Process, as described in Section 9.4 9. The Applicant for a development within the CHOD is not required to apply

for a Special Permit for the purposes of the uses listed in Section 9.4.D.

- i. Section 6.4 Earth Removal and Filling.
- ii. Section 10.1 Flood Control District.
- iii. Section 10.3 Ground and Surface Water Resource Overlay Protection Districts.

9.4.9 Design Guidelines

1. **Purpose.** Manchester-by-the-Sea is a town defined by a diverse and heterogeneous architectural context. Despite the heterogeneous nature of the buildings, there is a consistent sense of quality, scale, materiality and proportion. The purpose of these Design Guidelines is to encourage a similar attention to these components in new construction, including extensions and additions. The Town does not encourage replication, but rather interpretation and complementary design. In a town with a rich architectural environment, good design will respect and complement the surroundings.
2. **Applicability.** These Design Guidelines apply to all Districts and Subdistricts within the CHOD unless otherwise noted.
3. **Building Placement and Relationship to Public Realm**
 - a. **Entries.**
 - i. Building entries shall be clearly expressed by design elements such as a roof overhang, porch, portico or recessed entryway.
 - ii. Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.
 - a. **Multiple buildings on a lot.**
 - i. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface
 - ii. A pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
 - iii. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
 - b. **Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
 - i. Such entries shall be connected to the public sidewalk, if applicable.
 - ii. All façades shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - iii. Fire exits serving more than one story shall not be located on either of the street-facing façades.

- 280 c. **Infill Lots.** If the adjacent buildings are set back at a distance that exceeds
281 the minimum front yard requirements, infill buildings shall meet the
282 requirements of Section 9.4 5. Dimensional Standards. Otherwise, infill
283 buildings may match the setback line of either adjacent building, or at a
284 point in between the two buildings to provide consistency along the street.
- 285 d. **Principal Façade and Parking.** Parking shall be subordinate in design and
286 location to the principal building façade.
- 287 i. **Surface parking.** Surface parking shall be located to the rear or side of
288 the principal building. Parking shall not be located in the setback
289 between the building and any lot line adjacent to the public right-of-
290 way.
- 291 ii. **Integrated garages.** The principal pedestrian entry into the building
292 shall be more prominent in design and placement than the vehicular
293 entry into the garage.
- 294 iii. **Parking structures.** Building(s) dedicated to structured parking on
295 the same lot as one or more multi-family buildings or mixed-use
296 development shall be subordinate in design and placement to the
297 multi-family or mixed-use building(s) on the lot.

298 **4. Building Massing and Orientation.**

- 299 a. The building façade shall be organized with a base, middle and top and the
300 structure shall be expressed using elements such as posts, columns, pilasters,
301 lintels or bays.
- 302 b. The primary façade shall face the principal street or courtyard, unless there
303 is a site driven reason for a side entry.
- 304 c. Building massing should be scaled similar to the adjacent context in width,
305 height and depth. Larger buildings should be modulated or broken up to
306 provide a hierarchy in building elements and a sense of scale. Facades
307 should be interrupted every 30 ft. in width.

308 **5. Roofs.**

- 309 a. Roofs of any structure should be limited to fifty feet (50') in ridge length.
310 Adjacent massing should incorporate a change in direction from the primary
311 roof or be offset vertically or horizontally by a minimum of two (2) feet.
- 312 b. The roof type may be gable end, mansard, hip, or flat. The roof should be
313 defined by the architectural elements appropriate to the style of the roof.
- 314 c. Dormers should reflect the context of the adjacent building(s) and should
315 be set back at least three feet (3') from the edges of the primary roof.

316 **6. Windows.**

- 317 a. Windows on any façade should align vertically and horizontally and respond
318 to symmetries within the District where appropriate.
- 319 b. Windows on upper stories should not be larger than windows on the ground
320 floor.
- 321 c. Windows should generally be taller than they are wide.

- d. Windows should be orientated vertically and be of a consistent size and detail.
- e. If retail is included on the first floor, larger storefront windows and a distinct entry that reflects the local context are encouraged.

7. Renovation and Expansion of Existing Buildings.

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

8. Materials.

- a. Pervious paving materials are strongly encouraged. Site design shall maximize the use of pervious materials where feasible.
- b. Primary building materials shall reflect the local context and may include shingles, clapboards, cementitious boards and brick, or materials that represent similar dimensions and textures.
- c. Roof materials shall be asphalt, wood, slate, metal or using other materials of a similar size and scale as appropriate to the architectural style of the building.
- d. Exterior cladding materials shall incorporate trim including corner boards, rake boards, fascia boards, water tables, window casings, and window sills appropriate to the architectural style of the building.
- e. Exposed foundation walls, greater than three feet (3 ft.) in height, shall have cladding, or landscape cover and not be left as raw exposed concrete.

- f. All façades shall be articulated through the use of shadow lines emphasizing architectural elements such as trim, roof overhangs, recessed windows or entries or soffits and other projecting or recessed portions of the building volume.
- g. Windows should be divided into a well-considered mullion pattern that reflects the nearby local context or architectural style.

9. Architectural and Landscape Elements.

- a. The use of natural materials where feasible is strongly encouraged. Natural materials include those with texture and color variation and age over time. Such materials include stone, wood, brick, or copper.
- b. The use of texture and detail to enhance the building design and create more depth to the façade is strongly encouraged. Techniques include use shingle pattern variation, bracket detailing, trim and panel moldings, pronounced eave projections, and column/pilaster capital detailing.
- c. The use of architectural forms and components to break up the massing of a building is strongly encouraged. Such components include porches and other three-dimensional elements.
- d. The use of landscape elements to soften the streetscape and create pedestrian zones is strongly encouraged. Such elements include trees and other plantings.

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

- a. **Purpose.** The purpose of these design guidelines is to ensure that new development shall be of high quality and help form a cohesive neighborhood through construction of compatible building types, inviting streetscapes, and open spaces.
 - i. **Pedestrian Experience.** The Beaver Dam Road District should be highly walkable and have a distinct sense of place and a sense of community.
 - ii. **Integration with Nature / Sustainability.** The Beaver Dam Road District should be sensitive to the adjacent wetlands and water resources by minimizing storm-water runoff. At the same time ecological assets should be celebrated through their preservation and enhancement.
 - iii. **Connectivity.** The Beaver Dam Road District should be both safe and easy to walk or bike through a variety of paths, sidewalks, and traffic-calmed roadways. While safe and efficient vehicular access is also needed, the Beaver Dam Road District will prioritize the needs of pedestrians.
 - iv. **Buildings.** The Beaver Dam Road District may offer a variety of building styles and types, unified by a consistent framework that emphasizes traditional design principles.

405 **b. Relationship of development clusters.**

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

412 **c. Parking.**

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

420 **d. Public Open Spaces.**

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

429 **e. Connectivity.**

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

building entrances. Site lighting shall use shielded and full cut-off fixtures to prevent glare and sky glow and shall comply with International Dark Sky Standards. The height of fixtures shall be between twelve feet (12 ft.) and seventeen feet (17 ft.), measured from the ground to the light-emitting flat glass of the luminaire.

- v. **Building Lighting.** Building lighting shall use shielded fixtures to avoid spilling light onto neighboring streets, properties, structures, and into the night sky. Building lighting shall focus on illuminating building entries, display windows, and building signs. Building signage may be lit by a fixture(s) that shall light the sign and shield other views from glare. Visible light fixtures shall be consistent with the architectural style of the building.

f. Integration with Nature/Sustainability/Resiliency.

- i. **Plantings and Trees.** All plantings and trees should be species native to eastern North America with a goal of contributing ecological diversity to provide species diversity, adaptability, and habitat. Plants listed on the Massachusetts List of Invasive Plants, as amended, are prohibited. Plants located near streets, driveways, or parking lots should be salt-tolerant. Trees shall be located on the site to provide passive cooling to buildings and shade to pedestrian and vehicular circulation, with a goal of mitigating heat island effects and growing the town wide tree canopy.
- ii. **Street Trees.** Rows of street trees shall be provided on both sides of all streets and driveways along areas of development at intervals no greater than twenty-five feet (25) or as required in the Town of Manchester's Subdivision Rules and Regulations, as amended. When street trees are planted in tree wells or planting strips narrower than 10', structural soil shall be used under adjacent sidewalks or paving to provide room for root growth.
- iii. **Permeable paving.** The use of permeable paving systems is strongly encouraged for low-traffic loading (less than 100 vehicles per day) and low-turning areas, including parking spaces; residential street parking; cart, bicycle, and pedestrian paths; driveways; and emergency-vehicle-access lanes.
- iv. **Stormwater bioretention areas.** Bioretention areas are encouraged to be used to retain, infiltrate, and treat stormwater. If used, such areas shall be distributed throughout the site.
- v. **Rain Gardens.** Rain gardens may be used to allow the infiltration of stormwater during rain events.

g. Buildings.

- i. Design that creates a distinct sense of place while working within the framework of traditional building design is strongly encouraged.
- ii. A development consisting of more than one building should include a variety of styles and typologies compatible with traditional New England architecture.
- iii. Reducing the perception of overall massing by building orientation and design is strongly encouraged. Techniques include orienting the narrower side of the building to streets, drives, and open space and the use of architectural components such as the articulation of building bases; varying patterns of fenestration; the use of elements such as pilasters, columns, cornices, canopies, dormers, shed dormers, and cross gables.
- iv. Canopies, awnings, and porches may be used to reinforce the human-scale of the ground-floor façade and protect building entries.
- v. Awnings shall not obscure architectural details by crossing over pilasters or covering windows. Multiple awnings on a single building should be consistent in size, profile, location, material, color and design.
- vi. Additional materials may include clapboard, brick, concrete masonry, wood, cementitious fiber board, manufactured limestone, cast stone, masonry, stone, glass, terra cotta, cellular PVC trim, tile, and sustainable materials. Cementitious stucco may be appropriate when the building façade incorporates additional materials listed above. Materials on the facade that are subject to deterioration (plywood or plastic) are strongly discouraged. Poured-in-place concrete and pre-cast concrete are appropriate as a basic building material with special consideration to form work, pigments, and aggregates that provide texture and depth to surfaces.

11. Waivers. Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this Section 9.4 9. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the CHOD.

9.4.10 Affordability Requirements.

1. The provisions of Section 9.3 Inclusionary Housing shall apply to developments within the CHOD with the following modifications:
 - a. **Applicability.** This requirement is applicable to all residential developments with five (5) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or

residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section. This paragraph supersedes Section 9.3.3 Applicability.

i. Section 9.3.4 Mandatory Provision of Affordable Units and Section 9.3.5 Provision of Affordable Units do not apply to developments within the CHOD.

b. **Affordability requirements: Subsidized Housing Inventory.** All units affordable to households earning 80% or less of AMI created in the CHOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

c. **Provision of Affordable Housing.** In Applicable Projects, not fewer than twenty percent (20%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI. Affordable units shall be constructed on site. Payment in Lieu of creating affordable units or proposed off site units are not permitted. If EOHLC determines in writing that the Town has not shown this twenty percent (20%) Affordable Housing Unit requirement to be feasible, at least ten percent (10%) of housing units in Applicable Projects, or such greater percentage as approved by EOHLC in writing and filed with the Office of the Town Clerk, shall be Affordable Housing Units.

2. **Development Standards.** Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Dispersed throughout the development;
- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as [market-rate units] within the development;
- e. Distributed proportionately among unit sizes; and
- f. Distributed proportionately across each phase of a phased development.
- g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

3. **Administration.** The Inspector of Buildings shall be responsible for administering and enforcing the requirements in this section.

2. ADD to Section 2.0 the following new Definitions:

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

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

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

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

Parking, Structured. A structure in which vehicle parking is accommodated on multiple stories. Structured Parking does not include surface parking, single level parking garages, or carports, including solar carports.

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

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

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

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

4. Modify 8.3 Regulation of Marijuana Businesses as follows:

8.3.5 General Requirements and Conditions

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