

MBTA Zoning Public Forum



September 26, 2024

MGL Chapter 40 Section 3A (MBTA Zoning)

- An amendment to state law
- Voted unanimously by legislature
- Goal: address the need for housing throughout Massachusetts
- Part of Chapter 40
 - Same law that gives us the right to create zoning and many other rights and restrictions around land use today

Guiding Principles

**Maintain character, especially
in the historic downtown**

**Preserve businesses and
restaurants**

**Maintain small scale and a
variety of architectural styles**

**Minimize number of new
units**



State Law and Regulations	
Acres	37*
Minimum acres for a one district	18.5
Acres within ½ mile of train	14.8
Minimum acres in a district	5
Total housing capacity	559
Average minimum density of housing units/acre	15

* This was reduced from 50 acres by the state due to the harbor location

What it is

MA Law

Zoning – rules for development and land use

4 areas where multi-family is allowed

Standards for development if it happens

What it is not

A commitment to build

An affordable housing law

Town acquisition of land/housing

Obligation to build on or sell you private land

A change in the allowed uses today

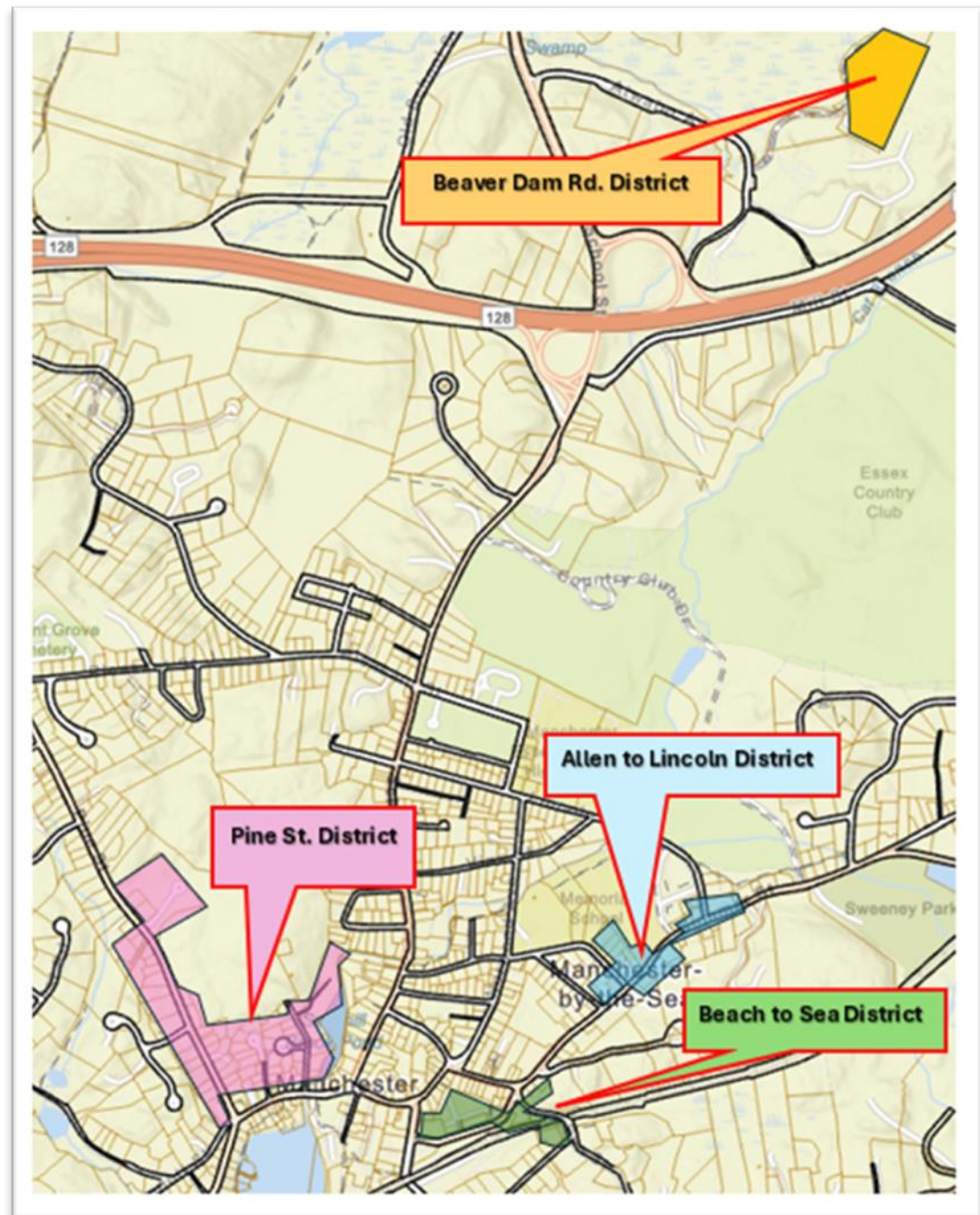
Overlay “districts” that allow multifamily with conditions

- 1) Identify target properties
 - Least likely to be developed
 - Small lots
 - Lots with more than one units already
- 2) Connect them in logical way
- 3) Avoid:
 - Historic district
 - Most of commercial downtown
- 4) Create regulations
 - Size, height, setbacks, parking,
 - Affordability
 - Design standards



Community Housing Overlay Districts (CHODs)

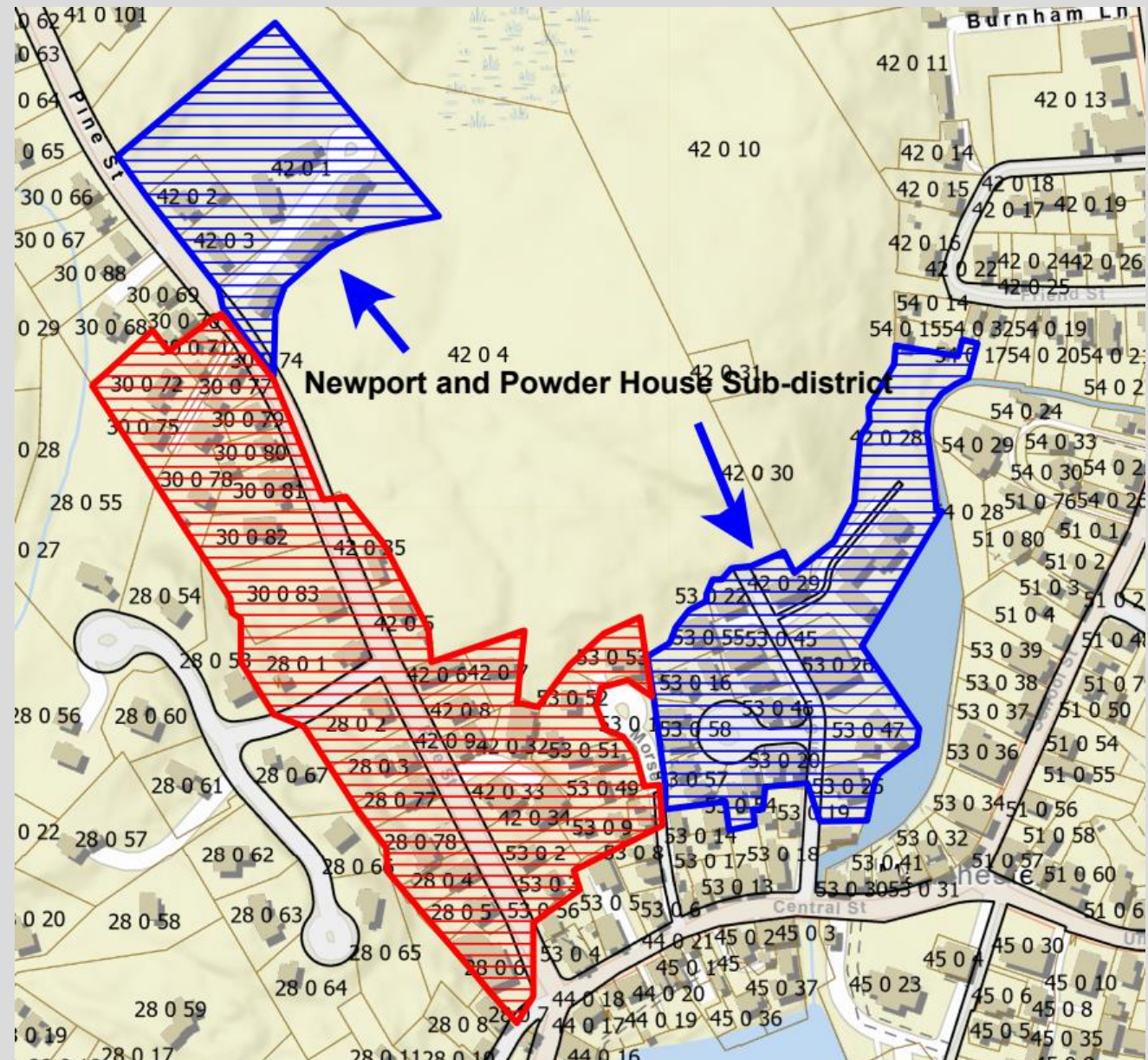
- Allow multi family units
- Regulate design
- The uses allowed today continue



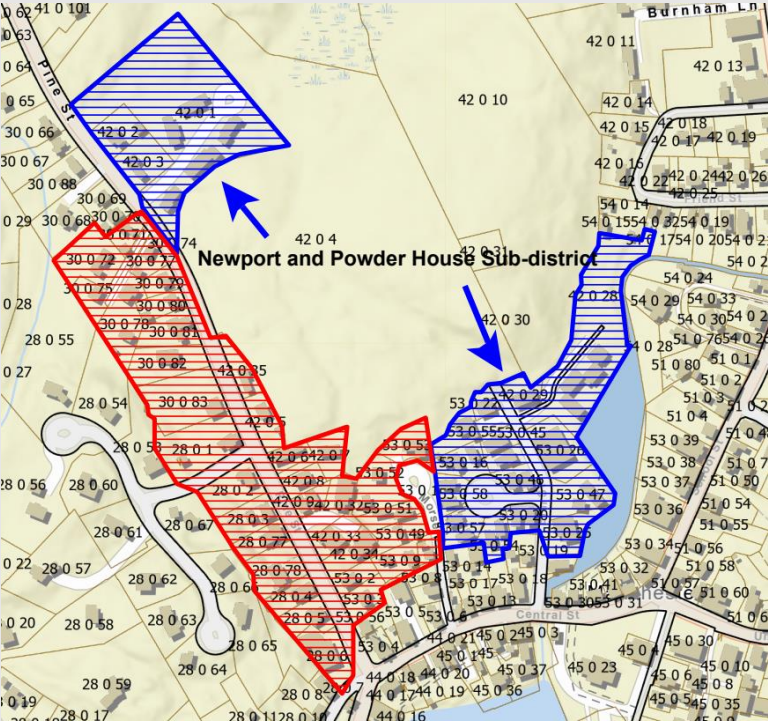
Lower Pine Street

- Largest – 22 acres
- ½ mile of the train station,
- 2 sub districts

✓	Maintain Character
	Preserve Business
✓	Scale & Style
✓	Minimize Number



Lower Pine Street

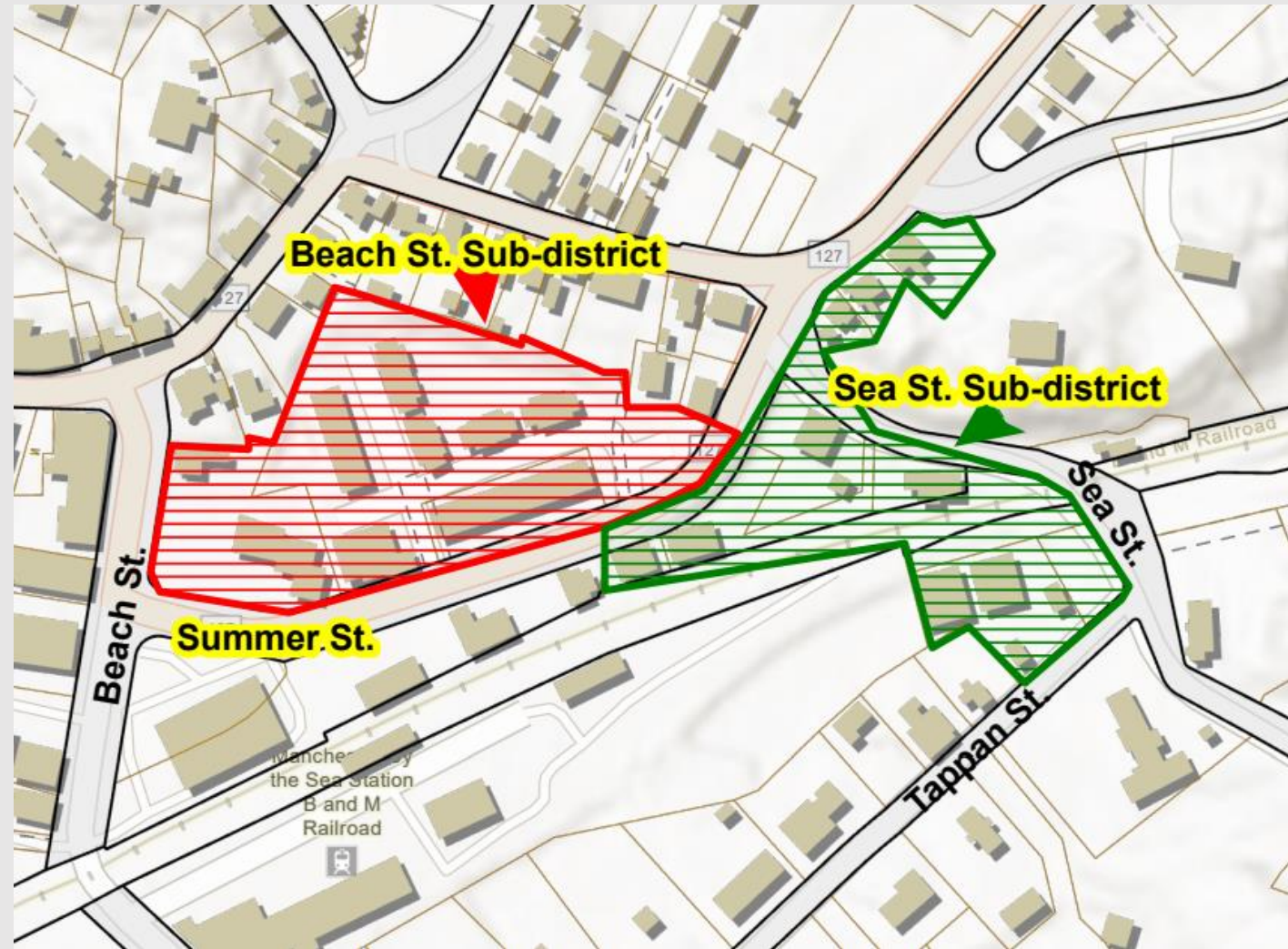


District	Pine Street District	
Proposed Sub Districts	Lower Pine St. Subdistrict	Newport & Powder House
Acres	14.7	6.9
Underlying Zoning District	A, D and General	B, D, and General
Minimum Lot Size	6000 SF *	6000 SF (* B, G)
Maximum Units Per Lot	5	--
Height Limit Stories/(Ft)	2.5* (35 ft)	4 (45 ft)
Building Lot Coverage	40% *	40% *
Building & Parking Lot Coverage	60% *	70%*
Total Lot Coverage	60% *	70%*
Parking (space/unit)	1.5 *	1.5 *

* Same as underlying zoning

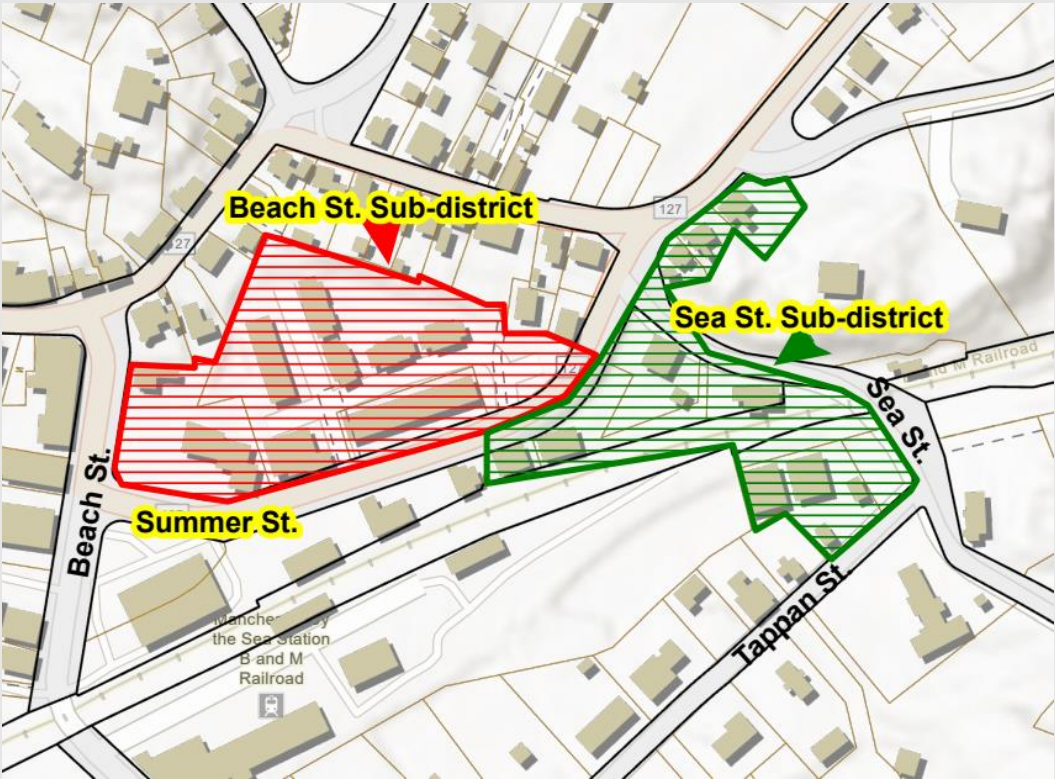
Beach to Sea Street

- Just over 5 acres(the minimum size)
- Includes 10-12 Summer Street
- Avoids commercial properties.



✓	Maintain Character
✓	Preserve Business
✓	Scale & Style
✓	Minimize Number

Beach to Sea Street



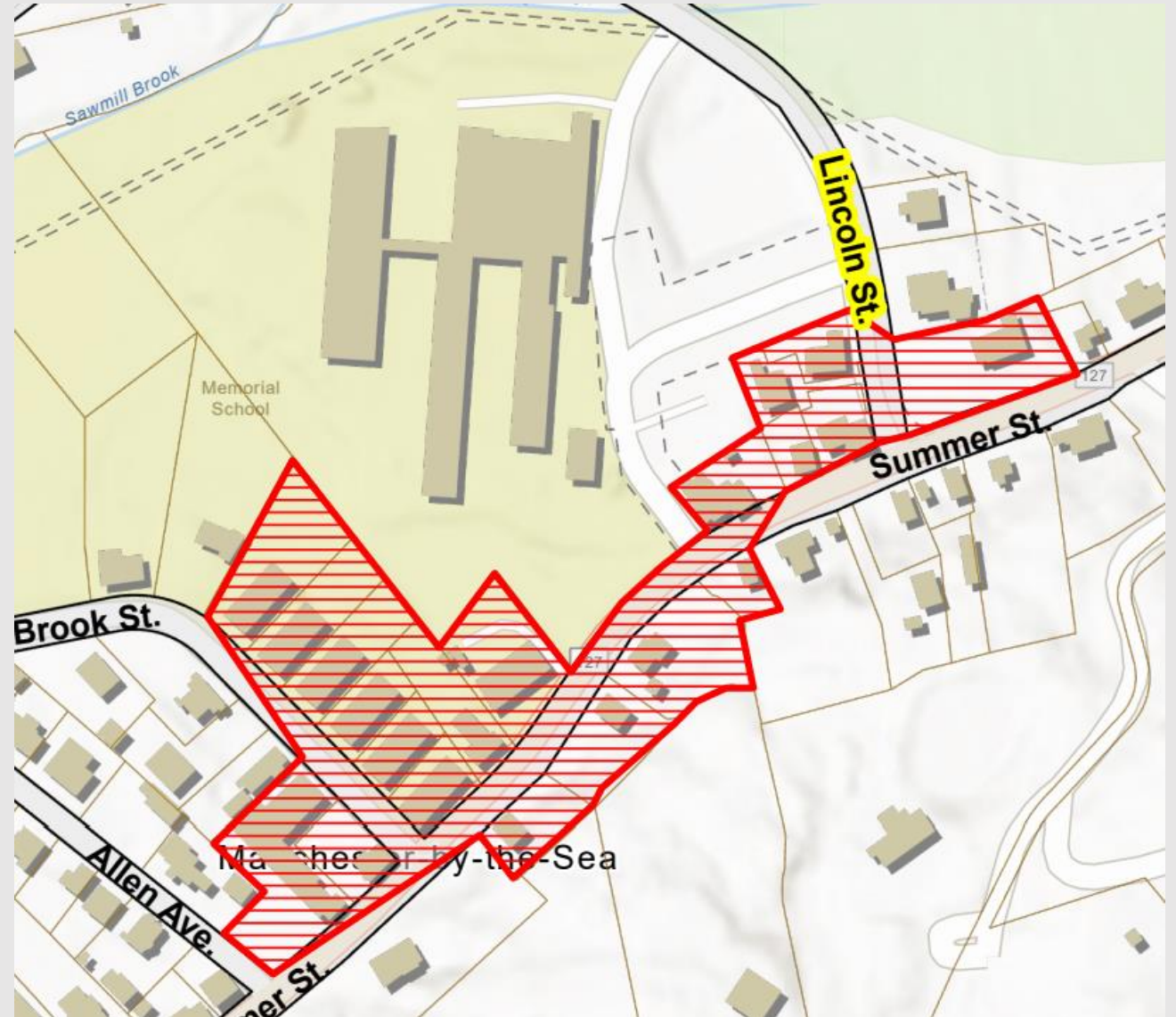
District	Summer - Beach to Sea	
Subdistrict	Beach St. Subdistrict	Sea St. Subdistrict
Acres	2.87	2.53
Underlying Zoning District	General	A, and General
Minimum Lot Size	6000 SF *	6000 SF (* G)
Maximum Units Per Lot	--	4
Height Limit Stories/(Ft)	2.5 * (35 ft)	2.5 * (35 ft)
Building Lot Coverage	40%	40%
Building & Parking Lot Coverage	70%	70%
Total Lot Coverage	70%	70%
Parking Requirement	1.5	1.5

* Same as underlying zoning

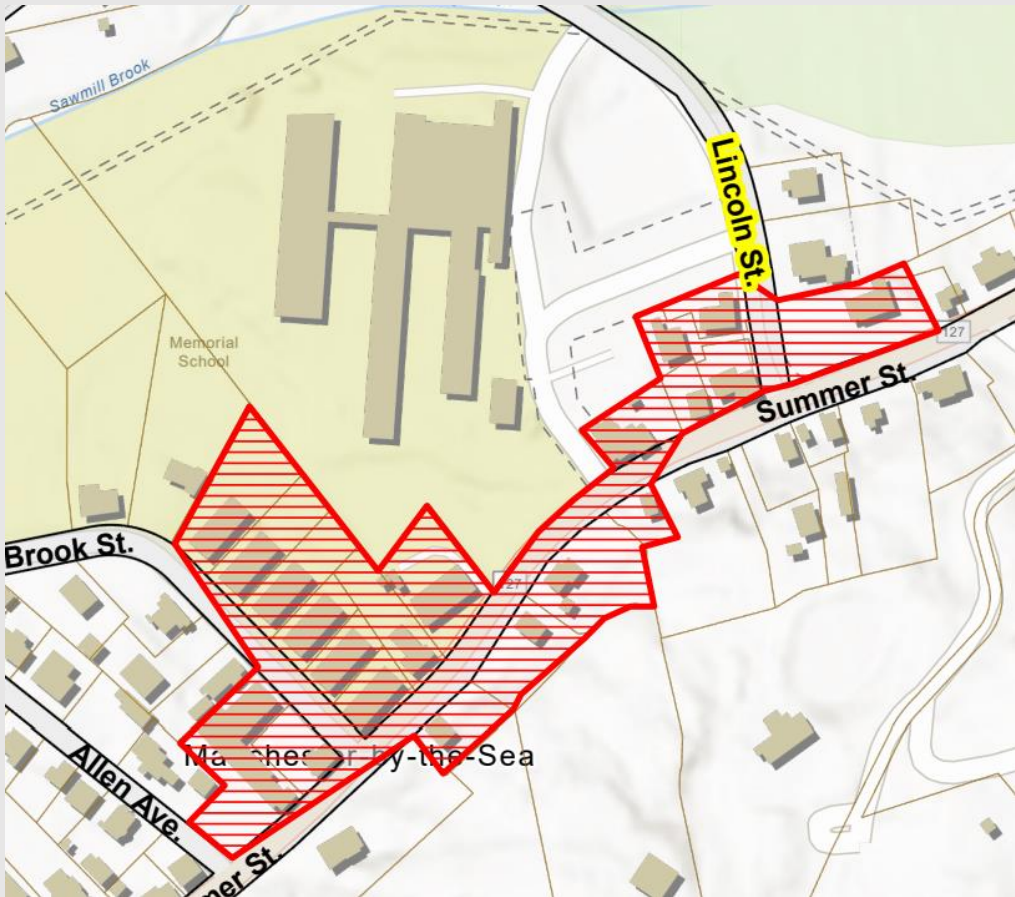
Allen Ave to Lincoln St

- Includes the residential condos on Brook Street
- Includes commercial condominiums on Summer St
- Includes the gas station.

✓	Maintain Character
	Preserve Business
✓	Scale & Style
✓	Minimize Number



Allen Ave to Lincoln St



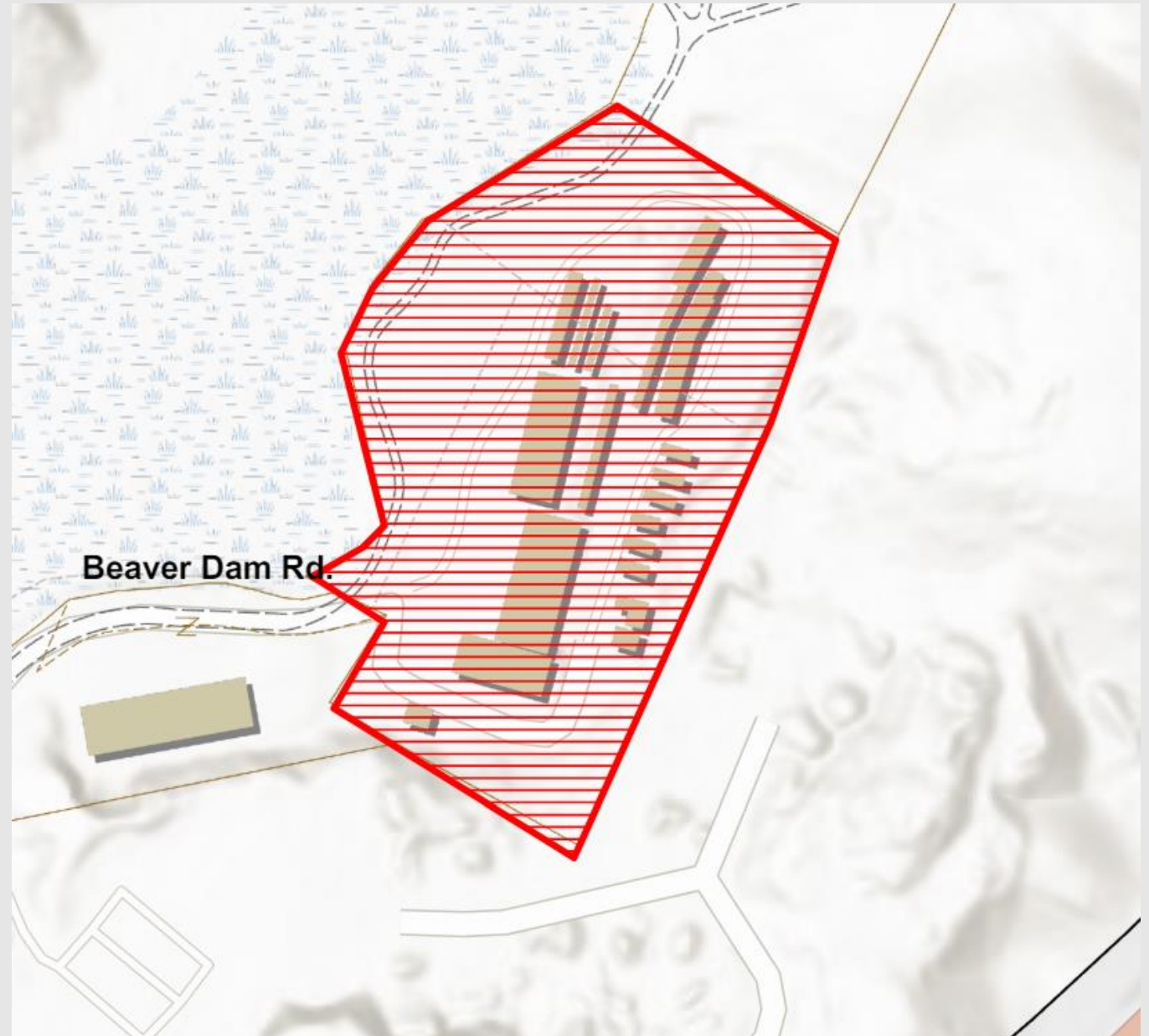
District	Allen to Lincoln
Acres	5.6
Underlying Zoning District	General and A
Minimum Lot Size	6000 SF *
Maximum Units Per Lot	--
Height Limit Stories/(Ft)	2.5 * (35 ft)
Building Lot Coverage	40% *
Building & Parking Lot Coverage	70% *
Total Lot Coverage	70% *
Parking (spaces/unit)	1.5 *

* Same as underlying zoning

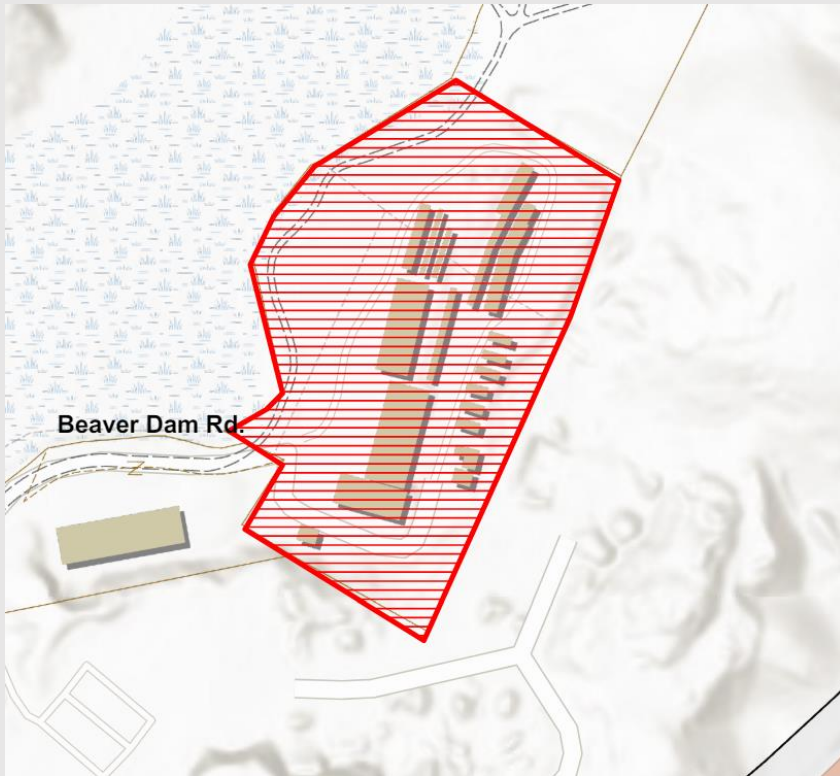
Beaver Dam Road

- In the Limited Commercial District East side of School St
- Currently used as a storage facility
- 6.8 acres.

	Maintain Character
✓	Preserve Business
	Scale & Style
✓	Minimize Number



Beaver Dam Road



Proposed District	Beaver Dam Road
Acres	7.6
Underlying Zoning District	LCD
Minimum Lot Size	5 Acres
Maximum Units Per Lot	--
Height Limit Stories/(Ft)	4 * (45 ft)
Building Lot Coverage	40%
Building & Parking Lot Coverage	60%
Total Lot Coverage	60%
Parking (spaces/unit)	2.0

* Same as underlying zoning

Design Standards and Site Plan Review for All Multi-family Units

Standards

- Variety of styles in keeping with Manchester existing buildings

Process

- Required of all development under this Zoning provision
- Oversight by a Design Review Board
- Requires abutter notification



✓	Maintain Character
	Preserve Business
✓	Scale & Style
	Minimize Number

Affordable Housing Requirements

- Our rules require the maximum (20%) allowed required Affordable Units
- A developer can build more
- Higher density may result in a variety of price points

Units	# Affordable (required)
1-4	0
5-9	1
10-14	2
15-19	3

Guiding Principles

Strategies

Maintain Character

- Excluded the historic district
- Require design review of all multi-family development
- Create design standards

Preserve Business

- Excluded downtown area
- Avoided creating incentive to convert commercial property to residential

Scale & Style

- Included many small parcels
- Height limits
- Assign a maximum number of units where possible

Minimize Number

- Selected parcels where development is less likely

Penalty for Non-compliance

Jeopardize funding

Non-compliant MBTA Communities are ineligible to receive certain state funding.

- Infrastructure funding
- Affordable housing funding

2024 - \$4 million received

2025 - \$4.5 million +

- Tuck's Point Rotunda
- Harbor Dredging



MA Attorney General Advisory

- All MBTA Communities must comply with the Law.
- Communities that fail to comply ... may be subject to **civil enforcement action**.
- MBTA Communities **cannot avoid their obligations** under the Law by foregoing this funding.
- The Law ... **does not provide any mechanism** by which a town or city may opt out of this requirement.

<https://www.mass.gov/doc/advisory-concerning-enforcement-of-the-mbta-communities-zoning-law/download>



Mass.gov

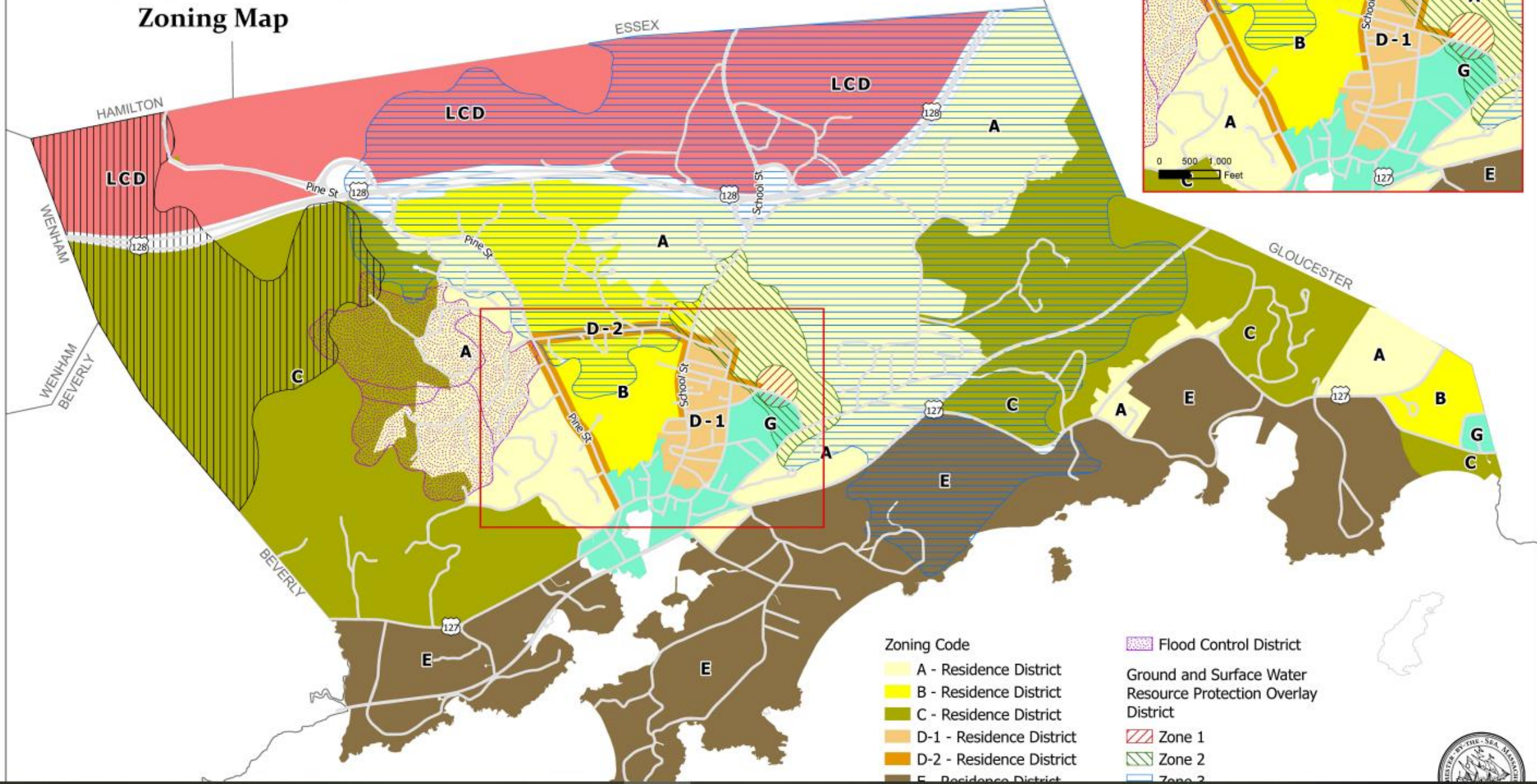
Office of the Attorney General

Next steps to complying with the Law

- Comments from Exec Office of Housing and Livable Communities
- Modify if necessary
- Public hearing
- Town meeting



MANCHESTER-BY-THE-SEA Zoning Map



Draft Zoning

- Zoning overlay districts
- Meets the area requirements
- Meets the overall density
- Allows 559 multifamily units
- 207 units exist in these districts today, many are multi-family
- Many lots will not be built out
- Timeframe - many years