
ZONING BYLAW AMENDMENT PUBLIC HEARING

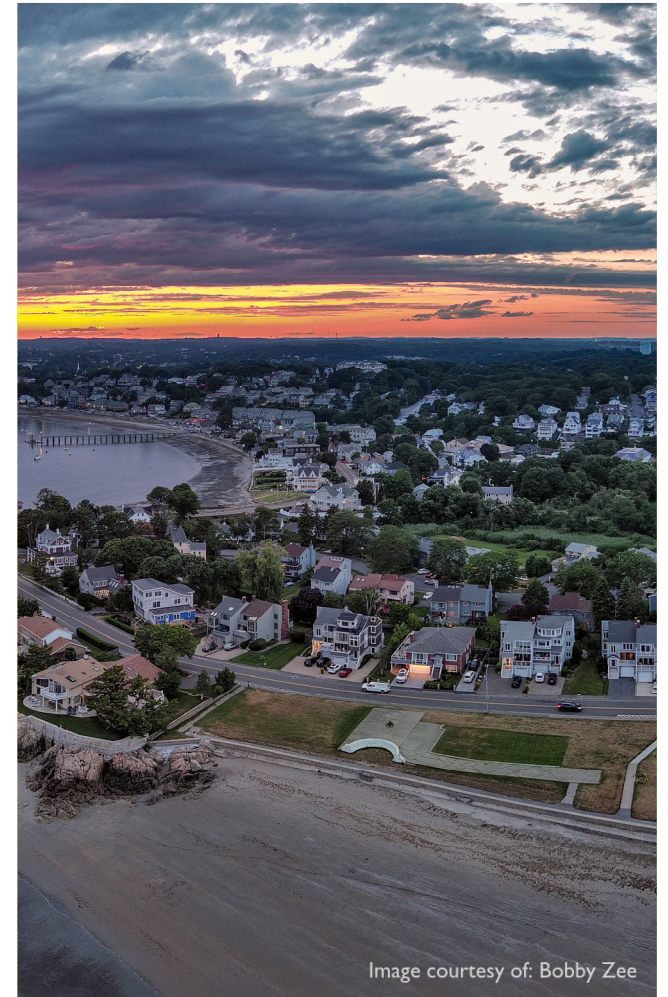
29 APRIL 2024
PLANNING BOARD



Image courtesy of: Bobby Zee

ZONING BYLAW AMENDMENTS

- MBTA Communities Zoning
- Liquor Establishments
- Nonconforming Single- and Two-Family Structures
- ADU Bylaw





MBTA COMMUNITIES ZONING

In 2021, the Massachusetts Legislature passed a law, Section 3A of the Zoning Act, requiring communities served by the MBTA (bus, subway, commuter rail) to have zoning in place that allows multi-family housing to be built.

PURPOSE

To encourage the creation of more housing options in locations with access to public transit.

SWAMPSCOTT'S PLAN TO MEET THE REQUIREMENT

As an MBTA Community (Swampscott has a commuter rail station and bus lines), Swampscott is required to have zoning regulations that comply with Section 3A.

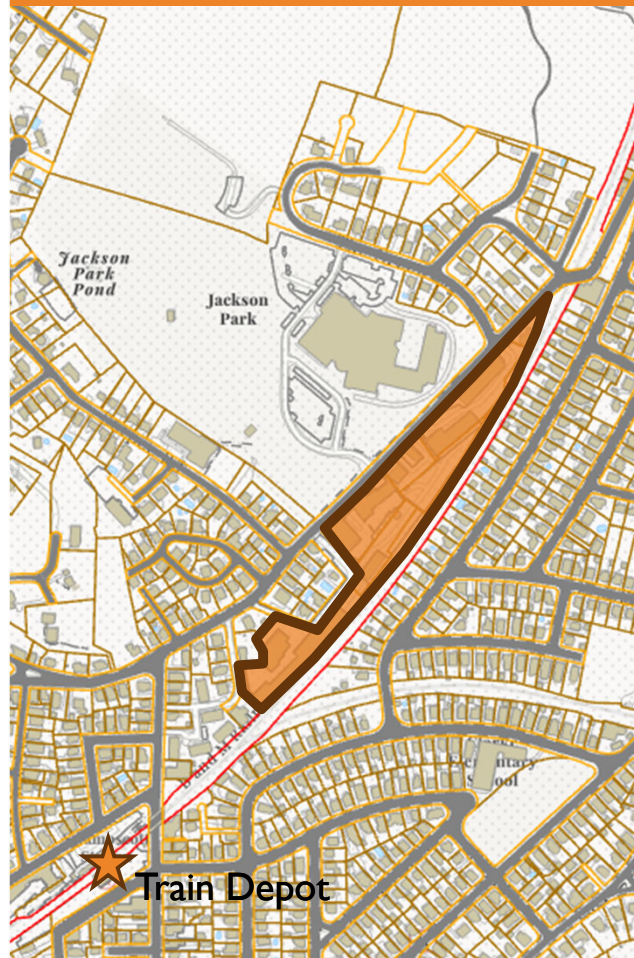
The proposed zoning bylaw amendment will enable Swampscott to meet the requirement.

ELEMENT	REQUIRED	PROPOSED
DENSITY	Minimum 15 units per acre by-right	35 – Essex St Overlay 25 – Vinnin Square Overlay
MINIMUM MULTI-FAMILY UNIT CAPACITY	954	1,148
AREA OF DISTRICT	At least 20 acres	44.6
% UNIT CAPACITY WITHIN ½ MILE OF TRAIN DEPOT	191	196
% LAND AREA WITHIN ½ MILE OF TRAIN DEPOT	20%	33%
TIMING	Adoption by end of 2024	On Schedule

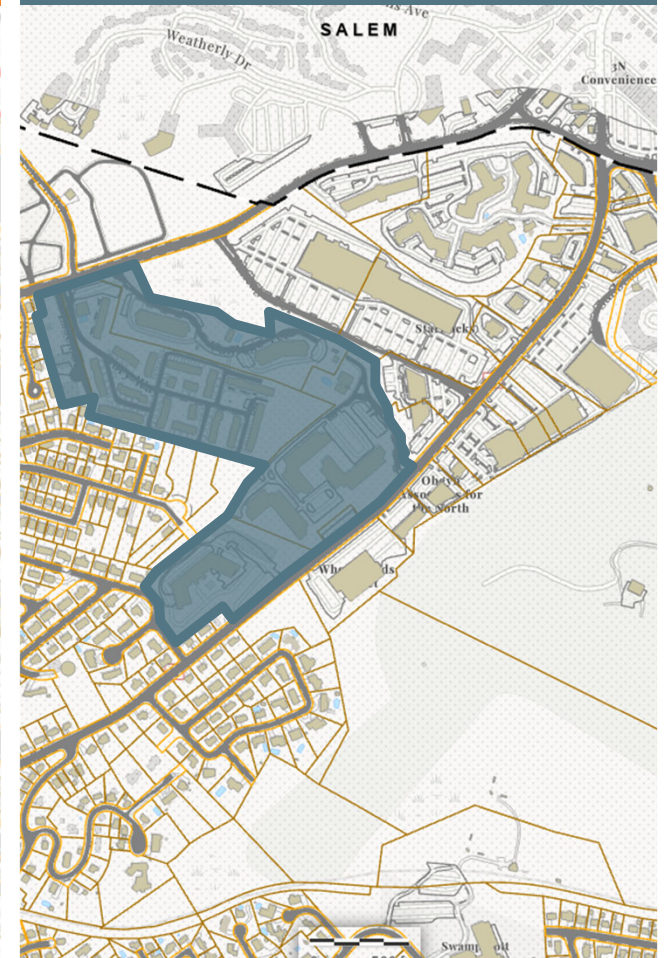
PROPOSED MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICTS

The proposed zoning bylaw would create two sub-districts of the new Overlay Zone.

ESSEX STREET OVERLAY



VINNIN SQUARE OVERLAY





WHAT THE PROPOSED BYLAW DOES DO

- Brings Swampscott into compliance with MGL Chapter 40A Section 3A
- Applies the new Overlay to specific **business** zones where multi-family is already permitted (by right and/or special permit)
- Makes multi-family development as-of-right (no special permit needed for the “use”)
- Encourages mixed-use development (inclusion of business spaces on first floor with residential above) – to help support the community’s tax base
- Continues compliance with the Town’s inclusionary zoning bylaw
- Establishes a maximum dwelling unit per acre limit – the current bylaw for these areas does not have a maximum established



WHAT THE PROPOSED BYLAW DOES NOT DO

- The zoning map amendment does not apply the overlay onto any residential zoning districts
- The bylaw does not modify the dimensional restrictions of the underlying zoning – meaning the current zoning height, setback, open space, building coverage – are not changed
- Does not make multi-family more restrictive/cumbersome than other areas of Swampscott (doing so would make the bylaw non-compliant)

PROPOSED MBTA COMMUNITY MULTI-FAMILY DISTRICTS IN DETAIL

ELEMENT	ESSEX STREET OVERLAY	VINNIN SQUARE OVERLAY
UNDERLYING ZONING		
Minimum Lot Size	10,000 sf	B3 portion – 15,000 sf B4 portion – 40,000 sf
Minimum Open Space	15%	B3 portion – 15% B4 portion – 10%
Maximum Building Height	40 ft (3 stories)	B3 portion – 35 ft (2.5 stories) B4 portion – 65 ft (5 stories); 85 ft (7 stories) if front setback is at least 175 ft
Maximum Building Coverage	30%	B3 portion – 25% B4 portion – 90%
Setbacks	Front: none; side: none; rear: 10 ft	B3 portion – front: 25 ft; side: 10 ft; rear: 25 ft B4 portion – front: 20 ft; side: 20 ft; rear: 20 ft



PROPOSED MBTA COMMUNITY MULTI-FAMILY DISTRICTS IN DETAIL

ELEMENT	ESSEX STREET OVERLAY	VINNIN SQUARE OVERLAY
ZONING OVERLAY		
Maximum # of Dwelling Units per Acre	35	25
Development Capacity (per Max DU/Acre)	196	952

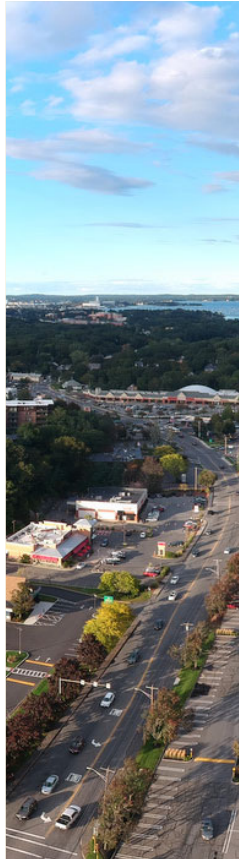


Image courtesy of: SwampscottPhotos.com

BENEFIT OF BYLAW ADOPTION

- Swampscott will meet the requirement of MGL Chapter 40A Section 3A
- Swampscott will **remain eligible** for various state funding and grant programs
- Encourages a variety of housing options
- Supports local businesses
- Creates affordable workforce housing
- Helps to create additional units that can count toward the town's Subsidized Housing Inventory under MGL Chapter 40B

MAINTAIN ELIGIBILITY FOR VARIOUS GRANTS

- Mass Trails Grant
- Mass Office on Disability
- Dept of Fish and Game Division
- MVP Program
- Complete Streets
- Shared Streets Program
- CDBG
- PARC
- Dept of Conservation & Recreation
- Community First Program
- Housing Choice Program
- And many more...

OVER THE **PAST FIVE YEARS**, THE TOWN HAS RECEIVED MANY GRANTS. COMPLYING WITH THIS ZONING ACT WILL ENSURE SWAMPSCOTT CAN CONTINUE TO APPLY FOR AND BE ELIGIBLE FOR GRANTS SUCH AS THESE.

Nearly \$3.5 million



QUESTIONS /
BOARD VOTE



LIQUOR ESTABLISHMENTS

CURRENT BYLAW

Section 4.4.1.0. *Garages, Service Stations, and Liquor Establishments.* No permit shall be issued for the erection or enlargement of a garage or other structure for the storage of more than five (5) motor vehicles (each referred to for the purposes of this Section 4.4.1.0. as a “garage”), nor for a motor vehicle service station, or gasoline filling station, nor for a commercial establishment selling or serving liquor, nor for the conversion of any premises not so used to be used for such purposes, if the principal entrance to the premises used for such purpose, or any use accessory thereto, is situated within a radius of two hundred (200) feet from a lot used or reserved to be used for a park, school, church, or library. No existing garage or service or filling station shall be deemed to be a nonconforming use through the subsequent erection of any such park, school, church or library.

WHAT DOES THIS MEAN?

Liquor establishments, “large” garages, service stations, and gas stations **cannot** be located (have their main building entrance) within 200 ft of:

- Park
- School
- Church
- Library

PROPOSED BYLAW AMENDMENT

Section 4.4.1.0. *Garages, and Service Stations, and Liquor Establishments.* No permit shall be issued for the erection or enlargement of a garage or other structure for the storage of more than five (5) motor vehicles (each referred to for the purposes of this Section 4.4.1.0. as a “garage”), nor for a motor vehicle service station, or gasoline filling station, ~~nor for a commercial establishment selling or serving liquor,~~ nor for the conversion of any premises not so used to be used for such purposes, if the principal entrance to the premises used for such purpose, or any use accessory thereto, is situated within a radius of two hundred (200) feet from a lot used or reserved to be used for a park, school, church, or library. No existing garage or service or filling station shall be deemed to be a nonconforming use through the subsequent erection of any such park, school, church or library.

WHAT DOES THIS MEAN?

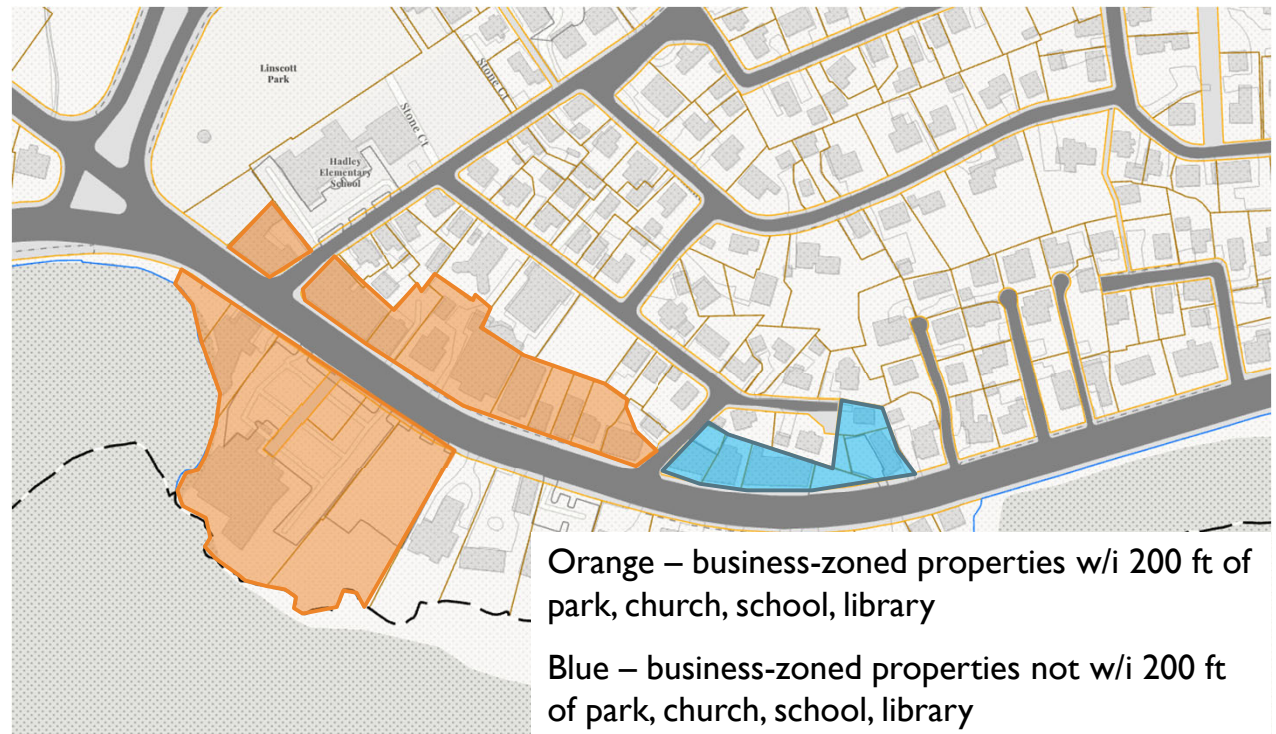
The amendment removes all references to liquor establishments.

The bylaw section keeps in place the limitation for the other stated uses based on their potential environmental impacts.

WHY THE AMENDMENT IS NECESSARY

- Swampscott benefits from having a lot of great parks, schools, churches, and a library spread throughout the community
- Many of these are located within or directly near business districts
- The community also relies on business and meals taxes to help support the budget

HUMPHREY STREET EXAMPLE





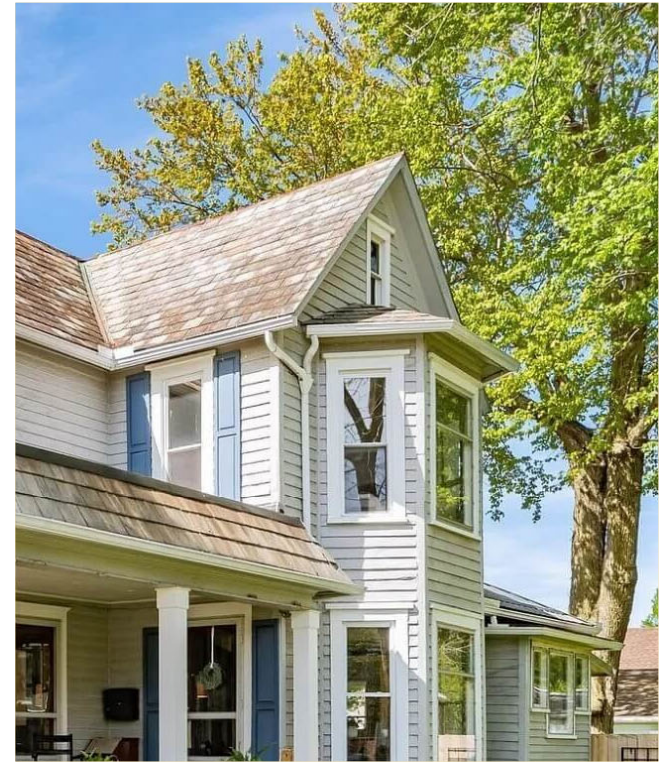
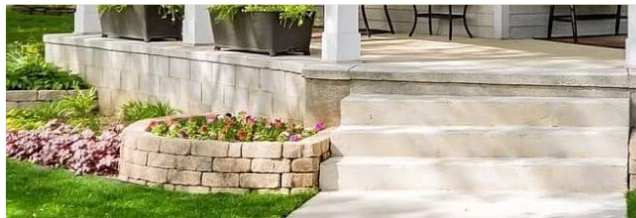
QUESTIONS /
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NONCONFORMING SINGLE- AND TWO-FAMILY STRUCTURES

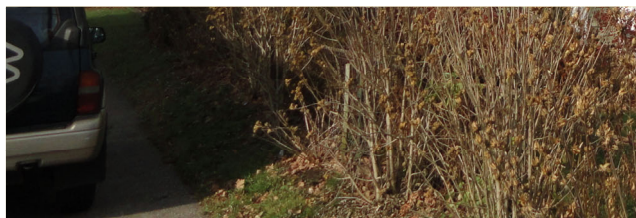
PURPOSE OF THE AMENDMENT

- Clarify the process and procedure to make additions or changes to single- and two-family homes that are “non-conforming”
- Ensure the Town’s bylaw is not in conflict with Massachusetts General Law



WHAT IS A NONCONFORMING STRUCTURE?

- A nonconforming structure is created when a zoning change is enacted that then causes an existing structure to no longer meet the zoning requirements.
- Refers to elements such as building height, setback, or coverage limitations.



CURRENT BYLAW

Section 2.2.7.3. *Nonconforming Single and Two-Family Structures.*

- (a) Nonconforming single and two-family residential structures may be extended, altered, reconstructed or structurally changed upon a determination by the Inspector of Buildings that such proposed extension, alteration, reconstruction or change does not increase the nonconforming nature of said structure, which determination shall only be made by the Inspector of Building if one or both of the following two (2) circumstances exists:
 - 1. In the case of a lot that does not comply with the existing minimum lot area and/or minimum lot frontage requirements: (i) there has been no alteration, extension, reconstruction or structural change to the exterior of the structure within the past five (5) years, and (ii) the existing structure complies with all current setback, open space, lot coverage, and building height requirements, and (iii) the proposed alteration, extension, reconstruction or structural change will also comply with all said current setback, open space, lot coverage and height requirements, and (iv) the cost to complete the proposed alteration, extension, reconstruction or structural change does not exceed one-third (1/3) of the assessed cost of the entire existing structure, and (v) such alteration, extension, reconstruction or structural change does not increase the gross floor area of the structure by more than fifteen (15%) percent, or increase the height of the building by more than fifteen (15%) percent, or increase the size of any lateral dimension by more than fifteen (15%) percent of the aggregate lateral dimension, or increase lot coverage by more than fifteen (15%) percent, or decrease the open space by more than fifteen (15%) percent; and/or
 - 2. In the case where the existing structure presently encroaches or otherwise does not comply with one or more setback, open space, lot coverage or building height requirements: (i) there has been no alteration, extension, reconstruction or structural change to the exterior of the structure within the past five (5) years, and (ii) the proposed alteration, extension, reconstruction or structural change will comply with all current setback, open space, lot coverage and building height requirements, and (iii) the cost to complete the proposed alteration, extension, reconstruction or structural change does not exceed one-third (1/3) of the assessed cost of the entire existing structure, and (iv) such alteration, extension, reconstruction or structural change does not increase the gross floor area of the structure by more than fifteen (15%) percent, or increase the height of the building by more than fifteen (15%) percent, or increase the size of any lateral dimension by more than fifteen (15%) percent of the aggregate lateral dimension, or increase in lot coverage by more than fifteen (15%) percent, or decrease the open space by more than fifteen (15%) percent.
- (b) In the event the Inspector of Buildings does not make the determination required in Section 2.2.7.3.(a) above, such extension, alteration, reconstruction or change may only be permitted by special permit issued by the Board of Appeals (so-called "Section 6 Special Permit") upon a determination that such extension, alteration, reconstruction or change is not substantially more detrimental than the existing nonconforming structure to the neighborhood. A Section 6 Special Permit shall only permit conforming changes to non-conforming structures and/or conforming changes to non-conforming lots. Extensions, alterations, reconstruction or changes that will not comply with the current setback, open space, lot coverage or building height requirements shall only be permitted, if at all, upon issuance by the Board of Appeals, as applicable, of a Dimensional Special Permit in accordance with Section 2.3.6.0. below or a Dimensional Variance in accordance with Section 5.2.2.2. below.

PROPOSED NEW VERSION OF THE BYLAW

Section 2.2.7.3. *Nonconforming Single and Two-Family Structures.*

- (a) Any proposed extension, alteration, reconstruction or change to a single- or two-family residential structure, including an accessory structure, that meets one or more of the following criteria shall be deemed not to increase the nonconforming nature of a single- or two-family residential structure and shall be permitted as of right upon the issuance of a building permit by the Building Commissioner:
 - 1. Alteration, extension, reconstruction or change to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements;
 - 2. Alteration, extension, reconstruction or change to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements; and/or
 - 3. Alteration, extension, reconstruction or change to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.
- (b) In the event that the proposed alteration, reconstruction, extension, or change does not meet any of the criteria in Section 2.2.7.3.(a) above, such extension, alteration, reconstruction or change may be permitted only by: (1) a determination by the Board of Appeals that such extension, alteration, reconstruction, or change does not increase the nonconforming nature of said structure or (2) if the Board of Appeals determines that such extension, alteration, reconstruction, or change does increase the nonconforming nature of said structure, by a special permit issued by the Board of Appeals pursuant to M.G.L. Chap 40A Section 6 upon a determination that such extension, alteration, reconstruction or change is not substantially more detrimental than the existing nonconforming structure to the neighborhood. Extensions, alterations, reconstruction or changes that create or result in a new nonconformity shall be permitted, if at all, only upon issuance by the Board of Appeals, as applicable, of a Dimensional Special Permit in accordance with Section 2.3.6.0. below or a Dimensional Variance in accordance with Section 5.2.2.2. below.



QUESTIONS /
BOARD VOTE



ACCESSORY DWELLING UNIT BYLAW

BYLAW AMENDMENT

PURPOSE

The 2023 Annual Town Meeting fully updated the previous “Accessory Apartment Bylaw” into a more modern “Accessory Dwelling Unit Bylaw”.

One element of the previous bylaw was inadvertently left behind during that update.

This amendment corrects that and removes the outdated item (in red).

5.11.3.0. *Design Standards for Accessory Dwelling Units*

5.11.3.1. Only one (1) ADU may be located on a Lot.

5.11.3.2. Where two or more entrances exist on the front façade of a dwelling, one entrance shall appear to be the principal entrance, and the other entrances shall appear to be secondary. All exterior stairways to the ADU, above the first floor, shall be located on the rear or side of the dwelling.

5.11.3.3. The ADU shall not have separate or independent utilities, such as water, sewer and electricity, from the dwelling unit.

5.11.3.4. The owner(s) of the Lot on which the ADU is located must continue to occupy either the principal dwelling unit or the ADU as their primary residence, except for bona fide temporary absences.

5.11.3.5. Preexisting detached structures eligible for conversion to an ADU may be demolished and reconstructed in accordance with Section 2.2.7.3 of the Zoning Bylaw.

5.11.3.6. In addition to the minimum parking requirement for the principal dwelling, the ADU shall have one (1) dedicated off- street parking space.

5.11.3.7. There shall not be a reduction in the amount of pervious area, or the removal of trees on the property for the sake of constructing the ADU.

5.11.3.8. The Board of Appeals shall have the discretion to review and require additional on-site parking. All parking requirements for the AA shall be provided on the property within existing designated parking areas.



QUESTIONS /
BOARD VOTE

MORE INFORMATION

ZONING AMENDMENT WEBPAGE

<https://bit.ly/2024atm-zoningbylaw>

OFFICE OF COMMUNITY & ECONOMIC DEVELOPMENT STAFF

781.596.8829

The screenshot displays the Town of Swampscott website. The header features the town's name, a search bar, and social media icons. The navigation menu includes 'How Do I...?', 'Departments', 'Boards & Committees', 'Community', 'About', and 'Town Projects'. The main content area is titled 'Proposed Zoning By-law Changes' and includes a 'Schedule' table. A sidebar on the left lists various forms and guidelines.

TOWN OF SWAMPSCOTT

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[Swampscott 2025: The Master Plan](#)
[Zoning By-laws](#)
[Zoning Map \(no GIS\)](#)

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See map: [Google Maps](#)

Home » [Boards & Committees](#) » [Planning Board](#)

Proposed Zoning By-law Changes

Below are current zoning bylaw amendments currently being developed for consideration by the Planning Board and ultimately Town Meeting.

An overview of the amendments is provided along with links at the bottom to drafted language (as available) and maps (as applicable).

Schedule

DATE	MEETING TITLE	INTENTION
Wednesday, March 27, 2024	Zoning Bylaw Amendment Information Session	<ul style="list-style-type: none">Learn about the various amendmentsPublic comment and feedback
April 2024	Submission of Draft MBTA 3A Zoning to MA Executive Office of Housing and Livable Communities	<ul style="list-style-type: none">Required step in MBTA 3A zoning for compliance review related to Section 3A
Monday, April 8, 2024	Planning Board April Meeting	<ul style="list-style-type: none">Board discussion on articlesBoard vote to endorse
Monday, April 29, 2024	Zoning Bylaw Amendment Public Hearing	<ul style="list-style-type: none">Legal requirementMust be held prior to Town Meeting votePublic comment and feedback
Monday, May 20, 2024	2024 Annual Town Meeting	<ul style="list-style-type: none">Town Meeting vote on the amendments
May/June 2024	Submission of Approved Zoning Amendment Articles to MA Attorney General	<ul style="list-style-type: none">Required step to verify process and procedure of zoning amendmentsUpon approval, zoning amendments are then applied to the Town's Zoning By-laws