



# MANCHESTER-BY-THE-SEA

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To: Massachusetts Planning Consultants  
From: Greg Federspiel, Town Administrator  
Date: September 21, 2023

Subject: Request for Quotes  
Consultant for MBTA Compliance Modeling and Assistance with MBTA Zoning

Attached please find a scope of services from the Town of Manchester by the Sea (MBTS). The Town is looking for a consultant who is well versed in the use of the State's compliance model for the MBTA Zoning (MGL. Chapter 40A, Section 3A) and who can also assist the Town's MBTA Zoning Task Force and Planning Board on the successful adoption of new compliant zoning. The Town of MBTS is required to adopt new zoning provisions to comply with MGL. Chapter 40A, Section 3A by December, 2024.

To date, the Town has created a MBTA Zoning Task Force, consisting of representatives of various boards and commissions as well as two "at large" members. This Task Force has been meeting twice a month and has been working with town staff on data collection, a communications plan, website presence, data bases and other documents in order to move forward with facts and knowledge. The Task Force and staff do not have the capacity to address the MBTA compliance modeling, which will be the main focus of the consultant's work.

Additional work of the consultant will include:

- Presentations for three to four charrettes or public forums to discuss zoning changes and potential locations
- Assistance on drafting or review of draft zoning articles;
- Configurations on new development locations to meet the intent of the law;
- Advice on design review guidelines and assistance in drafting meaningful guidelines

Additionally, the Town will be working with a students from Massachusetts Institute of Technology (MIT), who will be working on a parallel track with the Task Force on this effort this fall. The MIT class will be providing graphics on density, making suggestions on zoning locations, working on demographics and other reporting tasks related to the MBTA zoning effort. The town intends this to be a collaborative effort, however the consultant is not expected to have much involvement with the MIT class.

**Consultant Scope of Services and Description of the Project Needs  
Manchester by the Sea, MA.  
MBTA Zoning Project**

**1.1 Introduction**

The following Scope of Services (SOS) has been developed to solicit proposals from qualified and experienced planning and zoning consulting firms to successfully develop zoning for the Town of Manchester by the Sea (MBTS) that is compliant with all requirements and guidelines of MBTA Communities Section 3A zoning in a timely and proficient manner. MBTS has created a task force which is looking into the various aspects of this zoning mandate. The primary needs are for the consultant to use the Compliance Model required by the state to analyze the existing conditions within MBTS and work with the town planning staff, the Task Force, and the Planning Board to develop a sound and cohesive bylaw that complies with this law.

This SOS is seeking responses from well qualified planning and zoning or multi-disciplinary consulting firms with expertise in city and town planning and proficiency in zoning bylaw development, and a strong familiarity with the multifamily zoning requirements for MBTA Communities as specified in MGL Chapter 40A, Section 3A. Additional areas of focus could include mixed-use development, urban design, design guidelines, placemaking, and land use law.

**1.2 Background**

The Town of MBTS is a small, Massachusetts coastal town in Essex County. It consists of 9.23 square miles and has a 2020 US Census population of 5,395. MBTS has been designated as a MBTA Transit Community and thus must provide a minimum of 37 acres zoned for a minimum of 15 units per acre of multifamily as-of-right multifamily housing. It is suggested that prospective responders refer to the 2019 Master Plan for a more in-depth description of the community and its goals and challenges.

The MBTA Communities zoning law is predictably not generally viewed favorably in MBTS and there has not been significant support for it. Some in the community have suggested defying compliance or pushing back against the state generally or to specific components of the guidelines. Overall, many feel that the guidelines are a “one size fits all” program that is excessive or inappropriate for a community like MBTS, which was developed in the 1800s, with most of the lots in the town center being pre-existing, non-conforming lots and buildings. MBTS’ development patterns create the community character and charm that the residents have come to appreciate. Planning staff and KPLaw, the Town’s legal counsel, have conducted a reasonable amount of due diligence in explaining the program to the Planning Board and other Town officials, emphasizing the penalties for non-compliance. The Task Force will also be reaching out to the community and specific sectors by holding speaking engagements and developing a website for public information on the program.

It is important to note for the purpose of this offering that Town Officials and staff has sought to frame MBTA Communities as an opportunity to also meeting specific Town goals and strategies

contained within policy documents such as the Comprehensive Plan and Housing Production Plan. Staff feels that the best way to approach MBTA Communities zoning is to:

1. Select sites that are less sensitive or highly visible;
2. Develop unique zoning that is intended to respond to the existing residential character, the two historic districts in the town center and to maintain the sense of place in MBTS' town center.

It is the second criteria that we look to a qualified consultant to help us develop specific zoning tools to shape potential development for good civic placemaking that can not only meet the requirements of MBTA Communities but also take advantage of its criteria to the extent possible to encourage smart, sustainable, and complementary development. We are seeking a solution that could support the existing New England village feel, look, and function. It will be important to allow for open space, parks or greens, complementary accessory uses such as recreation, small scale retail and other non-residential uses, sidewalks and walking trails, bicycle facilities, streetscape features such as benches and street trees, and some form of design theme that can be developed as part of the zoning or separately.

### **1.3 Summary of SOS**

- A. Short Title – MBTS Zoning Bylaw Development for MBTA Communities Compliance
- B. Description – This project, funded through a grant from the Massachusetts Community Compact Cabinet program through a One Stop for Growth grant, will involve the development of up to six (6) specific base zoning districts or zoning overlays for six (6) specific site areas identified as best suited for the MBTA Communities requirements within the Town of MBTS.
- C. Request for Quotes Initiation: September 21, 2023
- D. Request for Quotes Closing Date: Friday, October 6, 2023 @ 12:00 pm
- E. Proposal Delivery Location: Quotes will be accepted by either Greg Federspiel, Town Administrator at Town Hall, 10 Central Street, Manchester by the Sea, MA. 01944 or by Gail Hunter, Task Force Administrator at the same address. Written quotes may be provided via the US. Mail, Fed Ex or by email. Email addresses are:  
[Federspielg@manchester.ma.us](mailto:Federspielg@manchester.ma.us)  
[Hunterg@manchester.ma.us](mailto:Hunterg@manchester.ma.us).
- F. Questions: Any questions about this quote request may be submitted via email to Gail Hunter or Greg Federspiel until 4:00 pm on Tuesday, October 3, 2023 and shall be posted with answers on the project website as applicable on or before Wednesday, October 4, 2023.

G. Changes: If any changes are made to this bid solicitation, addenda will be issued. Addenda will be emailed to all bidders on record and posted on the project website.

H. Project Website: <http://manchester.ma.us/774/MBTA-Zoning>

#### **1.4 Project Understanding**

MBTS is seeking a planning and zoning consultant that not only has extensive experience in crafting zoning bylaws in the Commonwealth of Massachusetts but also has an innovative planning practice as well to meld the two subdisciplines of maintaining the existing small-town character of the town and affirming strong placemaking. The Town is hoping to find a consultant that is innovative, has become thoroughly familiar with the guidelines of MBTA Communities and Adjacent Communities, and can work with the Town to find a set of zoning solutions that are technically compliant and politically acceptable. The Task Force subcommittee on Zoning is in the process of developing a handful of areas/specific plans for the sites under consideration. It is expected that the selected consultant can provide support and guidance, as well as more in-depth visioning and site plan analysis for sites being considered in this process.

In January 2023, the Town of MBTS submitted its MBTA Communities Action Plan. Since that time a Task Force has been selected to develop an approach to this project. MBTS is interested in facilitating mixed-use development, particularly downtown. The Task Force might consider density bonuses for the preservation of existing historic structures or increases in affordability, if feasible.

#### **1.5 Project Area**

The Task Force anticipates that there will be up to six project areas, consisting of sites between 5 acres and 45 acres. These areas will need to be vetted by using the Compliance Model. Adjustments can be made in case one or more of the primary sites proves infeasible for one reason or another.

#### **1.6 Scope of Services**

The Town requests quotes from qualified consultant(s) to provide zoning bylaw development to support compliance with the multifamily zoning requirement for MBTA communities as specified in MGL Chapter 40A, section 3A. The following tasks shall be a part of any quote. MBTS recommends that consultants review full scope for any duplication of tasks or effort and welcomes recommendations for tightening up the process. It is anticipated that the Task Force, the Task Force Administrative Assistant, and the Town Planner will all be working on the project in close collaboration with the consultant. Staff and Task Force members should be utilized to the extent possible to reduce costs.

#### **Task I – Project Kick-off**

The consultant will meet with staff to establish or finalize a project approach, review/revise a schedule of meetings and check-ins, finalize deliverables, identify resource, and research needs, and memorialize other elements of the project. This task shall include an initial meeting with the

Task Force, Town Counsel, and Town staff to review the EOHLC issued guidelines, identify items of concern, and confirm the developed public outreach plan. Note that MBTS acknowledges the significant amount of time and expense that meetings take up in a project such as this and suggests that meetings be minimized to allow for the maximization of content creation hours. Meetings can also be attended via Zoom, as all Task Force meetings are hybrid meetings.

***Deliverable:** A memorandum serving to describe the agreed upon project approach, scope, tasks, and finalized timeline. It should also detail the number of project team meetings, public meetings, and frequency of updates and internal communications. This memorandum should also note elements of the project that have already occurred such as a kickoff meeting, communications, etc.*

### **Task II - Analyze Site and Develop Preliminary Recommendations**

The consultant will review the information regarding the specific primary sites and develop a preliminary set of recommendations for the type of zoning that fits each and complies with MBTA Communities guidelines. This step may also involve research specific to the type of site and the Town recommended approach to the site(s). If the approach recommended differs markedly from what the Town is suggesting, the Preliminary Recommendations should provide a reasoning for this difference. The Preliminary Recommendations should also include metrics for MBTA Communities compliance such as: how each zoning meets all MBTA criteria, how many acres are in the district, the recommended base density, the potential maximum density, the amount of potential square feet of other uses and those use types, and the potential density bonus numbers.

***Deliverable:** Based on the results of Tasks 1 and 2, the consultant shall prepare a memorandum or report with initial findings prior to further work. These findings will be discussed at a precoding meeting with Town officials to discuss any issues relevant to conducting the coding (bylaw development).*

### **Task III – Develop Initial Draft Zoning**

The consultant will meet with the Task Force, legal counsel, and planning staff to discuss the preliminary consultant recommendations and determine a consensus pathway for development of the zoning bylaws. The consultant shall then work with the town planner to develop draft language for zoning bylaw(s) that outline applicable district(s), dimensional requirements, densities, and review processes that will comply with the requirements of section 3A. The EOHLC Compliance Model shall be applied to any draft language and revisions recommended, as may be necessary.

***Deliverable:** Microsoft Word-based draft zoning bylaws, with a separate file for each site bylaw developed. Files shall be provided electronically to allow for Town edits and comments to be provided via change tracking.*

#### **Task IV – Reviews, Comments, and Redraft**

The consultant and planner take Town comments and edits and prepare a final version for community review.

***Deliverable:** Microsoft Word-based draft zoning bylaws, a separate file for each site bylaw developed. Files shall be provided electronically and provide an editor's guide showing the specific changes and edits made and an explanation of where the final version differs from expected Town edits. This version should be prepared according to the Town's zoning bylaw enumeration system, including edits for cross referencing.*

#### **Task V- Project Final Report and Community Engagement**

While the Town will be the primary executioner of community engagement, it is desired that the consultant, with Town staff, will help conceptualize and formulate a suitable outreach and education program to officials and residents about the requirements of Section 3A as well as the Town's approach to compliance. This task shall include scheduling of at least three (3) public workshops (methodology to be determined) to engage the public incorporating visioning and consensus building to balance the community's values with the zoning requirements and any potential impacts to quality of life for existing and future residents.

***Deliverable:** A final report that provides a roadmap from project initiation to project completion. This can be in a memo format provided sufficient detail including project participants can be identified. The consultant shall also provide a toolkit for public outreach including an FAQ, a 1–2-page project information sheet for public consumption, and other materials as may be determined useful for this purpose.*

#### **Supplemental Task A: Form-Based Code**

Intended to be priced separately from primary tasks I through V, the consultant should provide alternative pricing for a form-based code product. Should the budget allow for this alternative, the Town may choose to pursue this alternative for the sites.

#### **Supplemental Task B: Fiscal Impact of Zoning**

Respondent shall provide a separate pricing for developing a simplified fiscal impact model of the zoning bylaws developed as part of this contract.

#### **1.7 Proposed Budget and Schedule**

The Consultant shall put forth a reasonable schedule for accomplishing the Tasks and anticipate the following steps to guide the process from providing the quote for services to completion (a six- to nine- month period). The budget for this project is initially set at \$50,000, which is the amount provided by the grant. If additional funding is available, this will be noted well before responses are due.