

# Essex Zoning Bylaw Review Project

## Community Forum #1

February 15, 2022



# NOTIFICATION OF RECORDING

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## Agenda

- Welcome and Introduction
- Introduction to the Project
- Zoning 101
- Essex's Existing Zoning Bylaw
- Brief Q&A
- Breakout Discussion
- Next steps



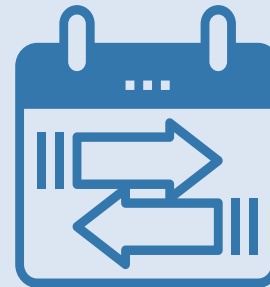
**30-45**

*mins*

## Take the Survey

- Tell us how the zoning in Essex is working for you.
- Tell us what kind of zoning changes you would like to see.
- Share your ideas on ways the zoning bylaw could be improved.

[mapc.ma/EssexZoningReviewSurvey](https://mapc.ma/EssexZoningReviewSurvey)



**15-01**

*Feb-March*





# Opening Remarks





# Project Overview

# Who is Working on the Project?

## Town of Essex

*Brendhan Zubricki, Town Administrator*

*Dana Menon, Town Planner*

## Essex Planning Board

*Kim Drake, Chair*

*Matthew Greco*

*Samuel Sturgis Crocker V*

*Michael McConnell*

*Westley Burnham*

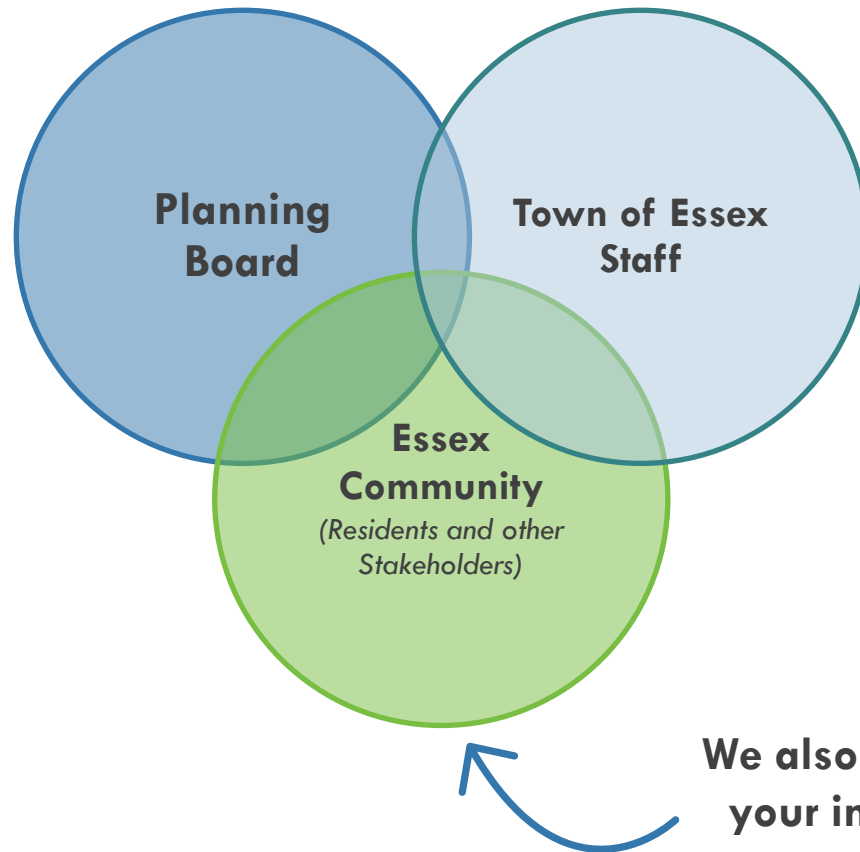
*Lisa O'Donnell*

*Shelly Bradbury*

## MAPC

*Andrea Harris-Long, AICP, Senior Planner*

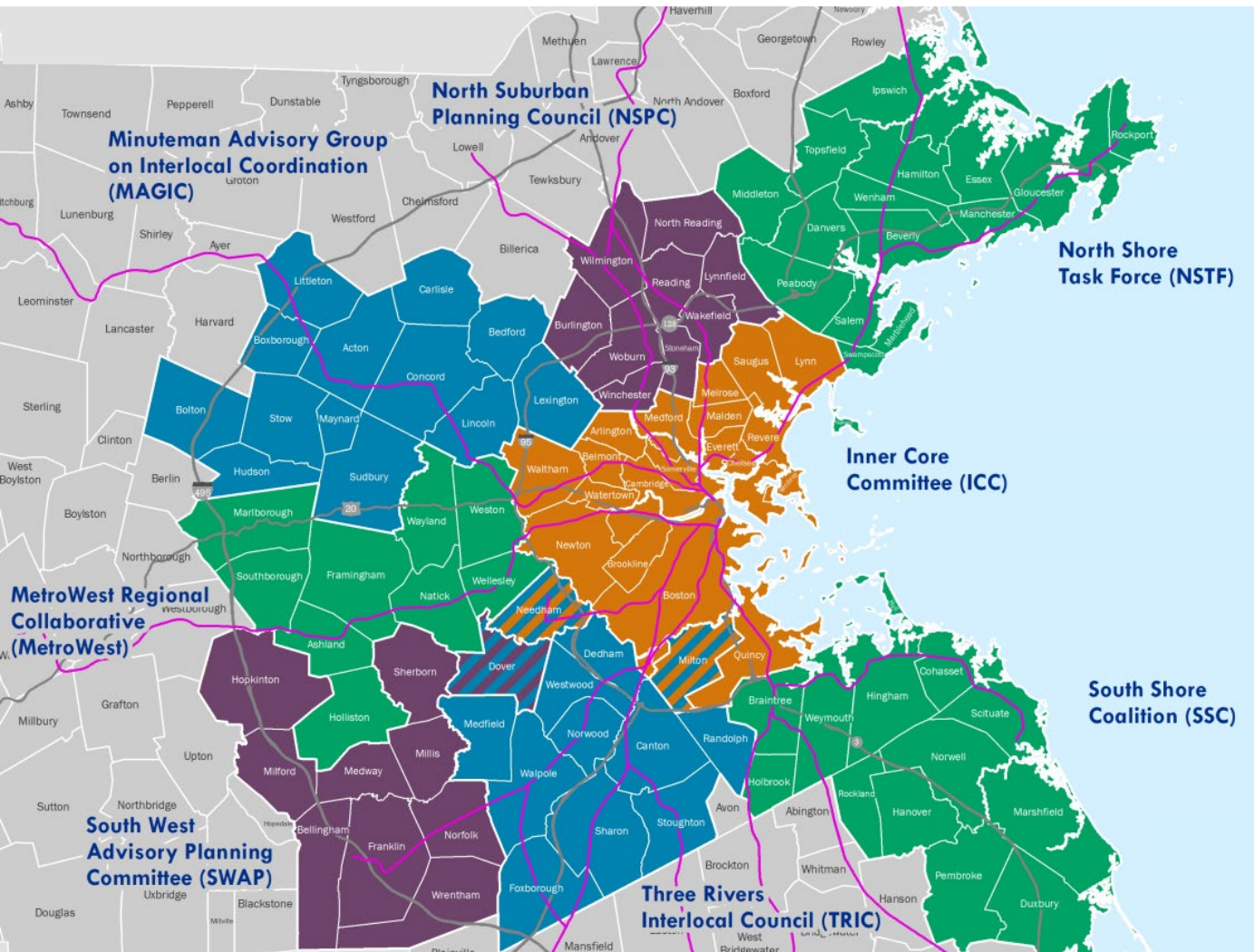
*Courtney Lewis, Regional Land Use Planner*



**We also need  
your input!**



# Who is MAPC?



**101 cities & towns**

**4.3M people**

**Smart Growth &  
Regional Collaboration**

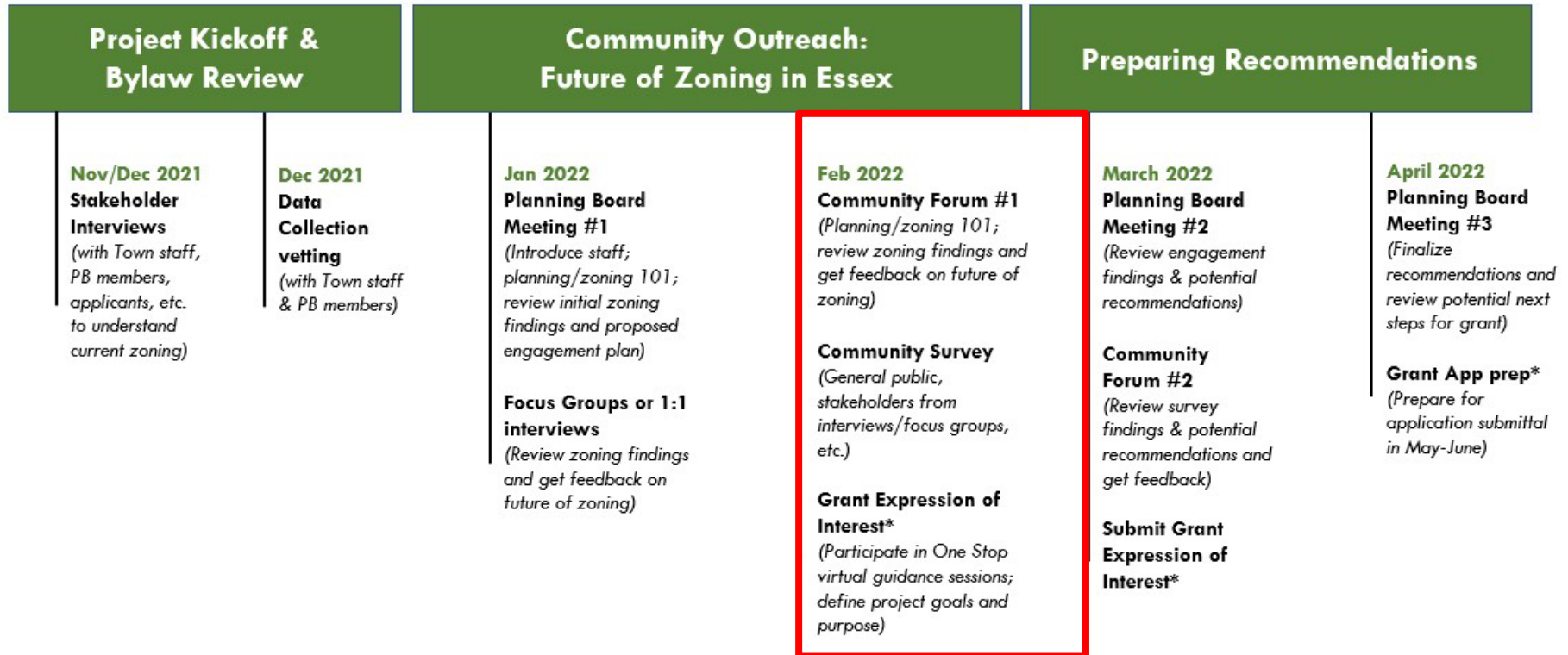
**[www.mapc.org](http://www.mapc.org)**



# Bylaw Review Project Timeline

## Ongoing engagement:

Website updates, social media promotion of events, press releases, etc.

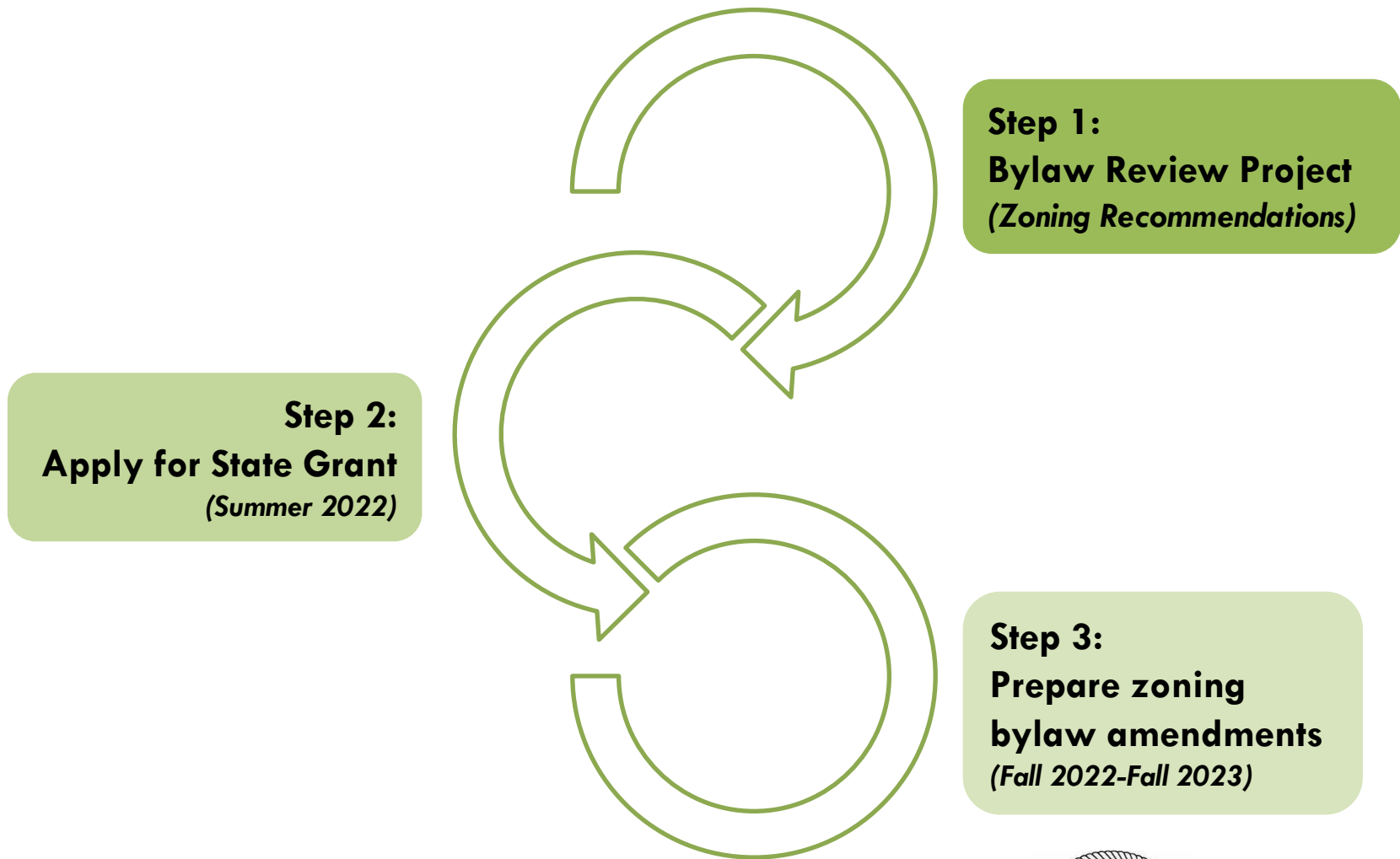


We are here!

**Note: this project is not proposing specific zoning bylaw amendments**



# Part of a bigger process



# Bylaw Review Project

## Goals of the Project

- Understand Essex's **existing land use patterns**.
- **Gauge public opinion** on the existing Zoning Bylaw.
- Consider **best planning practices** and provide recommendations on ways the Town's zoning can be modified in the future.
- **Project outcome:** report with zoning recommendations

## Goals for tonight

- Understand **issues you have encountered** reading, using, or understanding the current Zoning Bylaw.
- Gather feedback on what kinds of **changes you'd like to see**.
- Assess **different zoning options** the Town could pursue.



A scenic view of a coastal town with various houses, a church steeple, and a body of water under a cloudy sky.

**How familiar are you  
with zoning?**

**Zoom Poll Question**

A wide-angle photograph of a coastal town. In the foreground, a body of water (likely a river or harbor) flows from the left towards the right. The left bank is lined with several houses, some with porches, and a small dock. The right bank is a grassy area with more houses and a few boats. In the background, a church steeple is visible among the trees. The sky is filled with large, grey clouds, suggesting an overcast day. The overall scene is a typical coastal town landscape.

# Zoning 101



# Planning vs Zoning

## Planning

- Goal Setting
- A **shared vision** of what a community aspires to be
  - Comprehensive Plan/Master Plan
  - Neighborhood/Area Specific Plans
  - Functional Plans (Open Space and Recreational Plan, Hazard Mitigation Plan, Municipal Vulnerability Plan, etc.)

## Zoning

- The **regulatory tool** used to implement the vision laid out in a plan
- Zoning is a way a community can decide **how a property can be used and developed**
- Places **reasonable limits on land development** to best serve the public good



# Past Town Planning Efforts



Continue to preserve  
open space



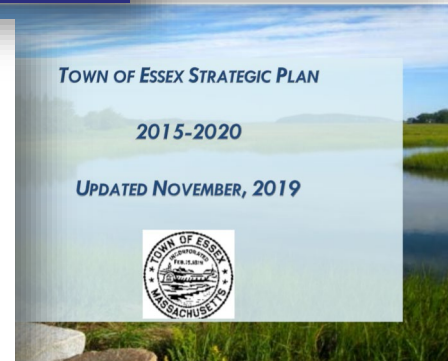
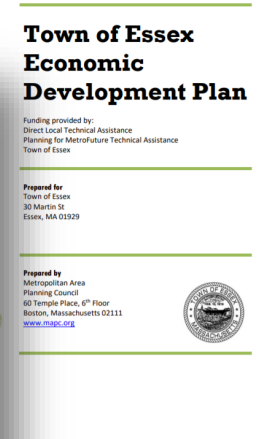
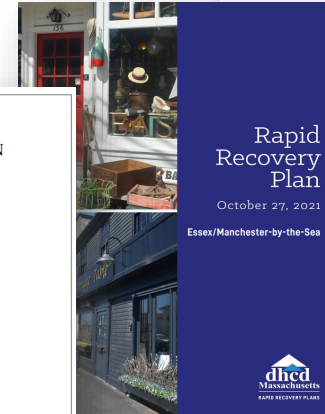
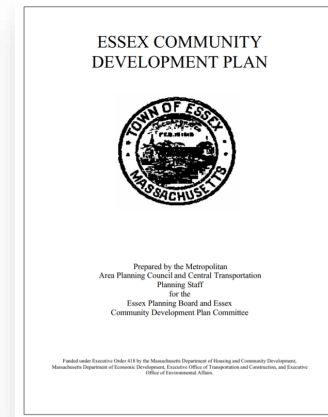
Protect water quality



Expand economic  
development



Increase housing  
options



# What is zoning?

Historically, zoning was established to protect the **health, safety** and **welfare** of a community by separating incompatible land uses from one another.



*"This chapter is enacted in accordance with the provisions of Chapter 40A, Massachusetts General Laws, for the purpose of promoting the health, safety, and welfare of the inhabitants of the town."*

# Why do communities have zoning?



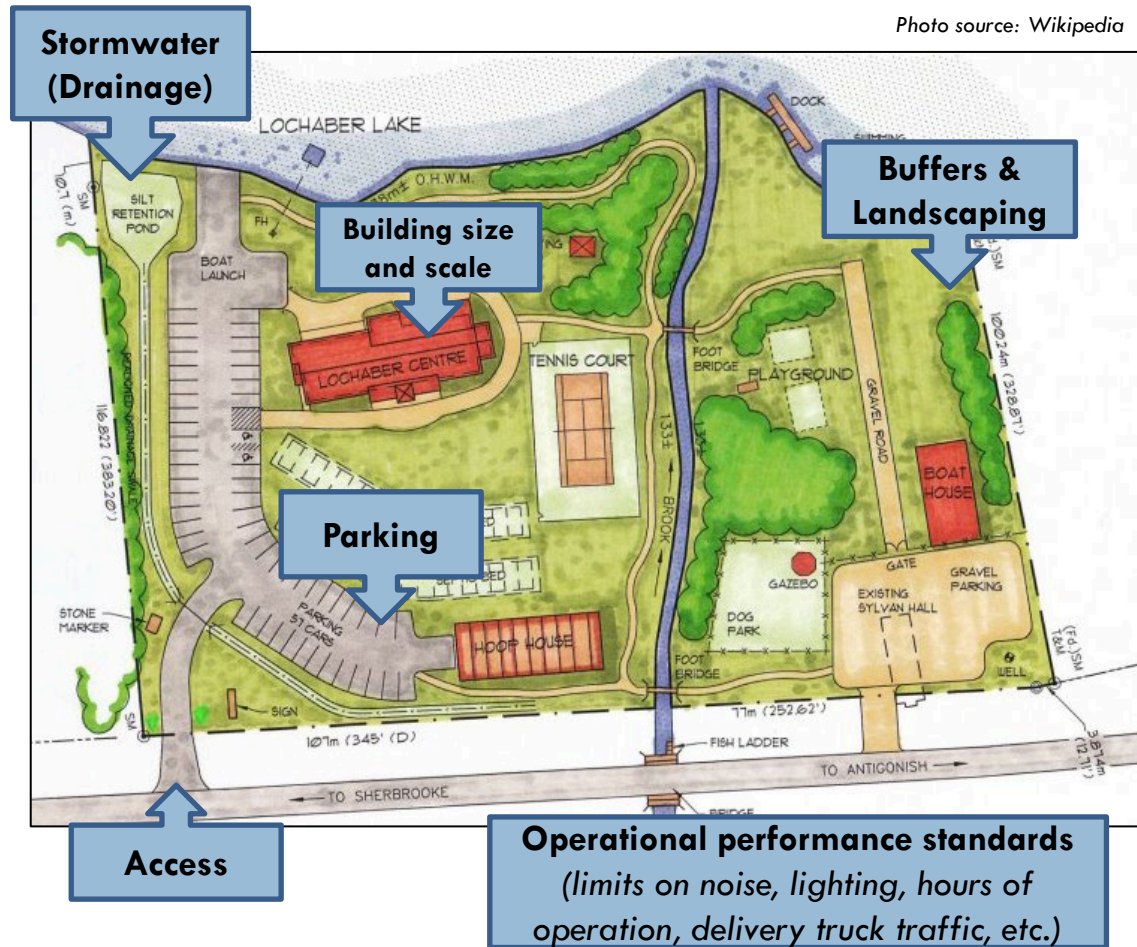
Guide where  
land uses go



Regulate how sites  
are developed



Protect natural &  
rural resources

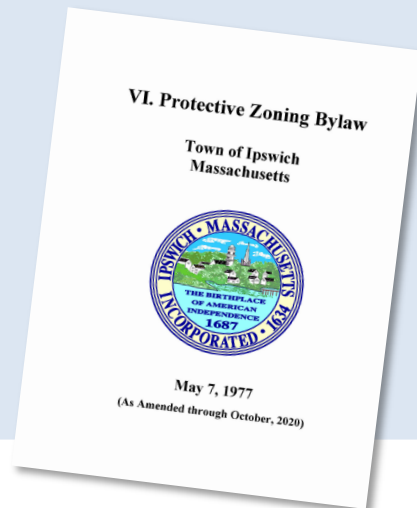




# Zoning is made up of 2 parts

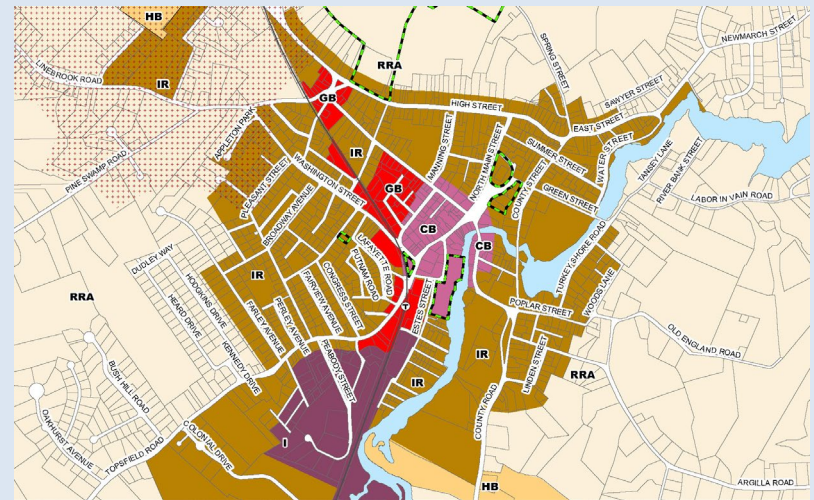
## Zoning Bylaw/Ordinance

- The written rules of zoning
- Typically includes a classification system of zoning districts
- The text of the zoning bylaw spells out the rules that apply to each zoning district and different districts have different rules.



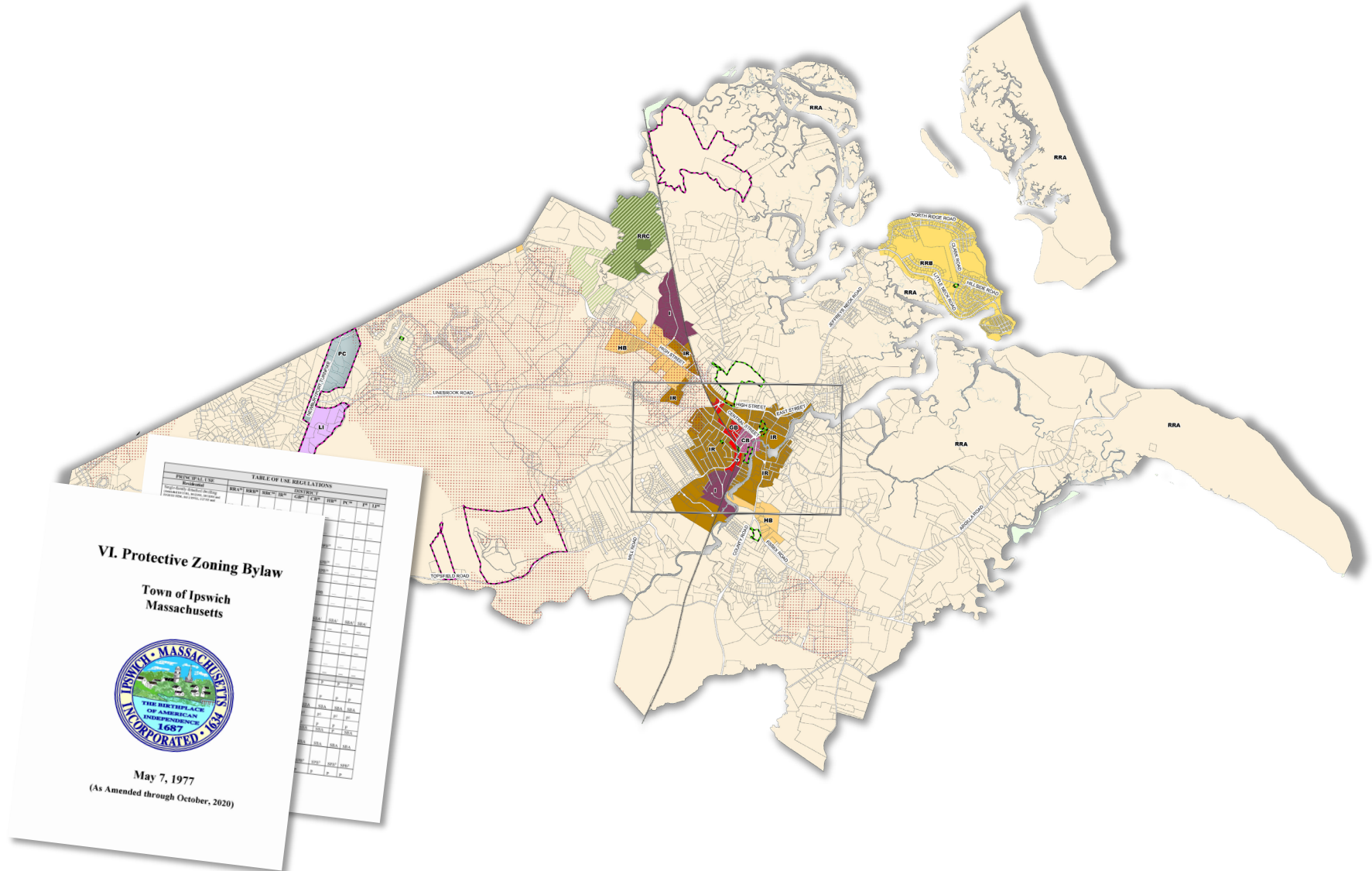
## Zoning Map

- Shows how the community is divided into different use districts or zones
  - Residential, Commercial, Industrial, etc.

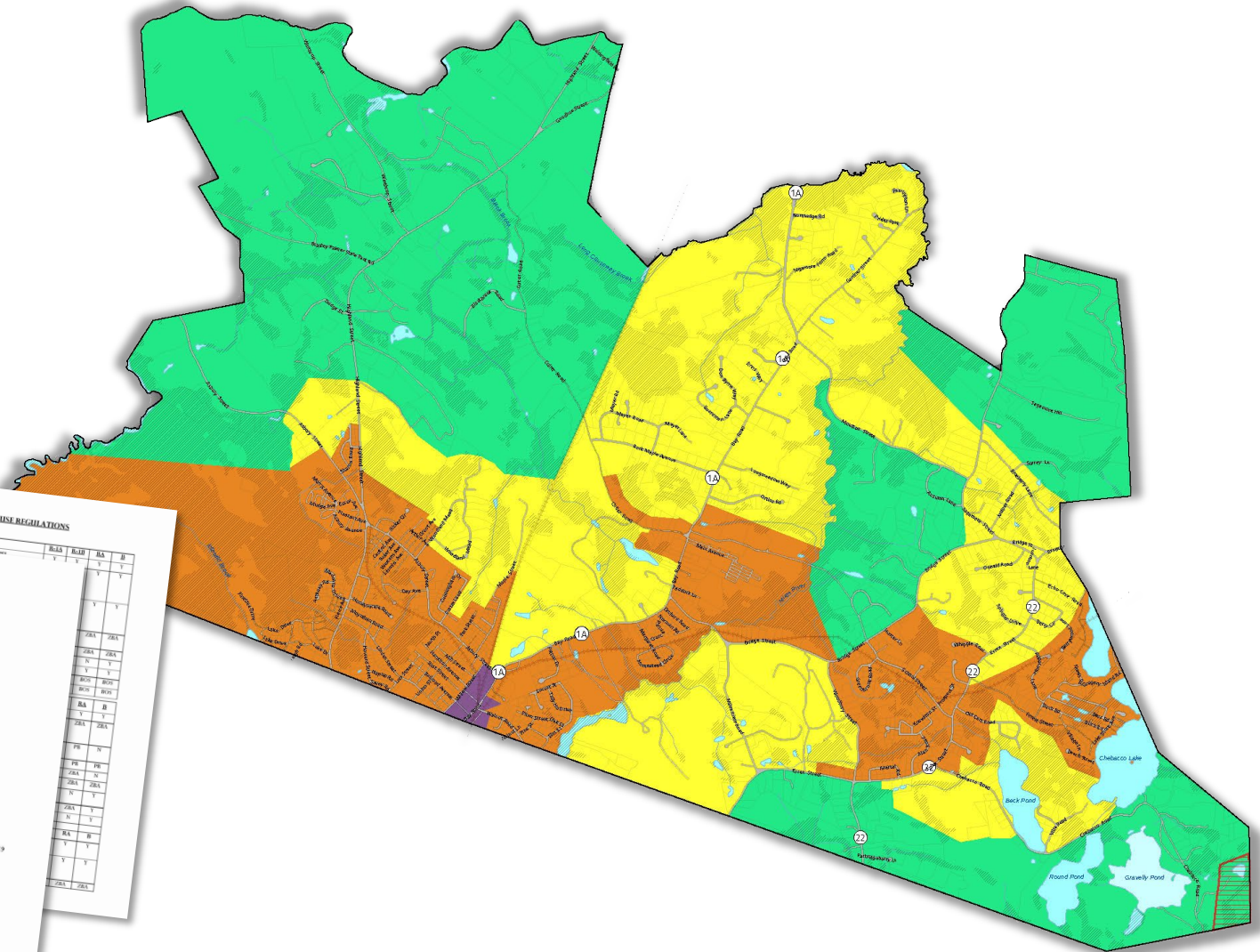


Example: Town of Ipswich

# Ipswich (10 Zoning Districts)



# Hamilton (4 Zoning Districts)



TOWN OF HAMILTON ZONING BYLAW

FIRST ADOPTED 1954 INCLUDING AMENDMENTS UP TO OCTOBER 22, 2019  
ADOPTED PURSUANT TO THE MASSACHUSETTS ZONING ACT  
M.G.L. CHAPTER 40A AS AMENDED

**TABLE OF USE REGULATIONS**

**A. COMMUNITY FACILITIES**

1. Use of land or structures for certain purposes

R-1A	R-1B	RA	B
X	X	X	X
		V	V
		V	V
		ZBA	ZBA
		ZBA	ZBA
		N	V
		V	V
		B-10	B-10
		B-10	B-10
		RA	D
		V	V
		ZBA	ZBA
		FH	N
		FH	FH
		ZBA	N
		ZBA	ZBA
		N	V
		ZBA	V
		N	V
		RA	B
		V	V
		3	3
		ZBA	ZBA

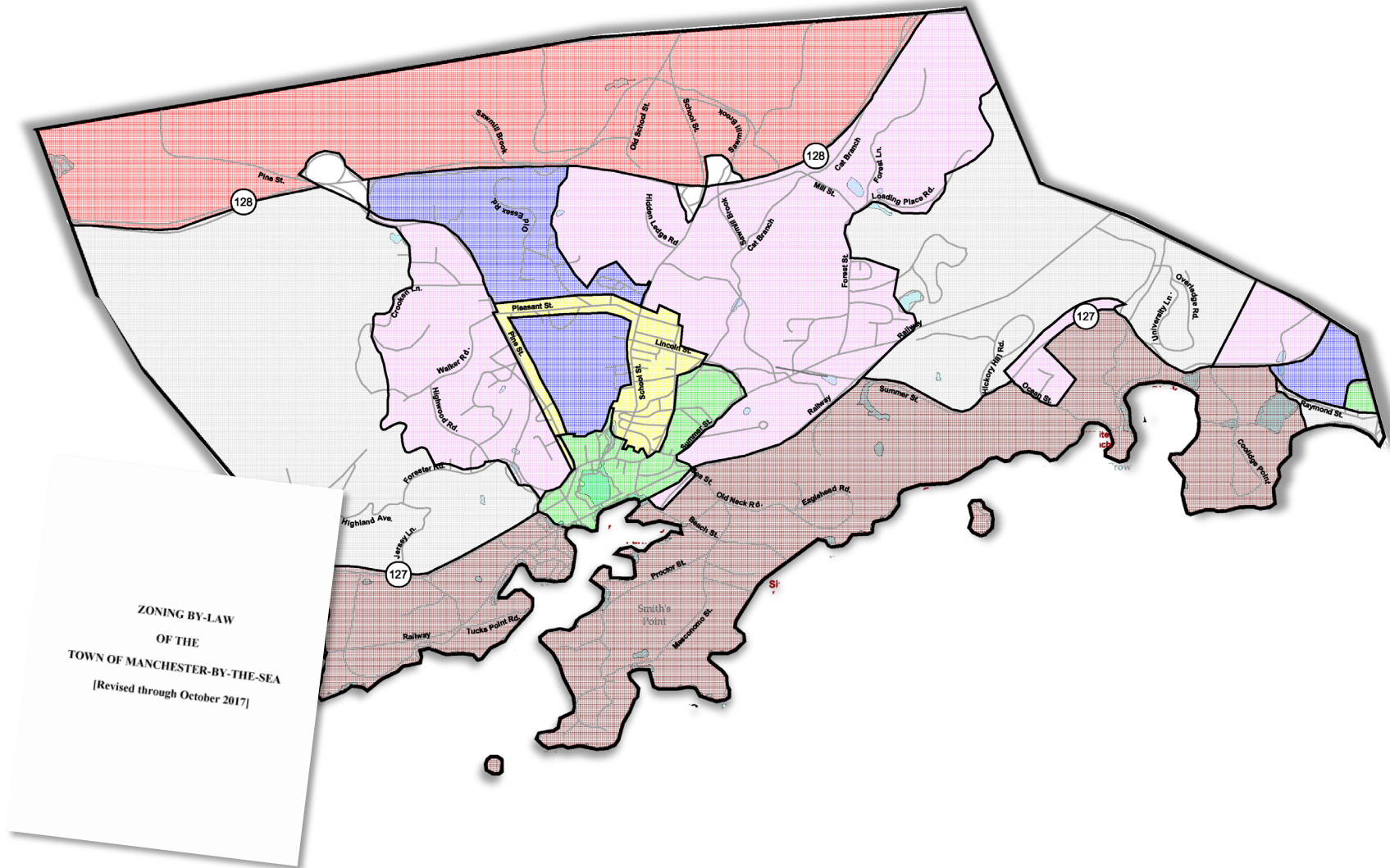
TOWN OF MASSACHUSETTS  
ALEXANDER HAMILTON  
JUNE 21, 1790

**TOWN ZONING BYLAW**

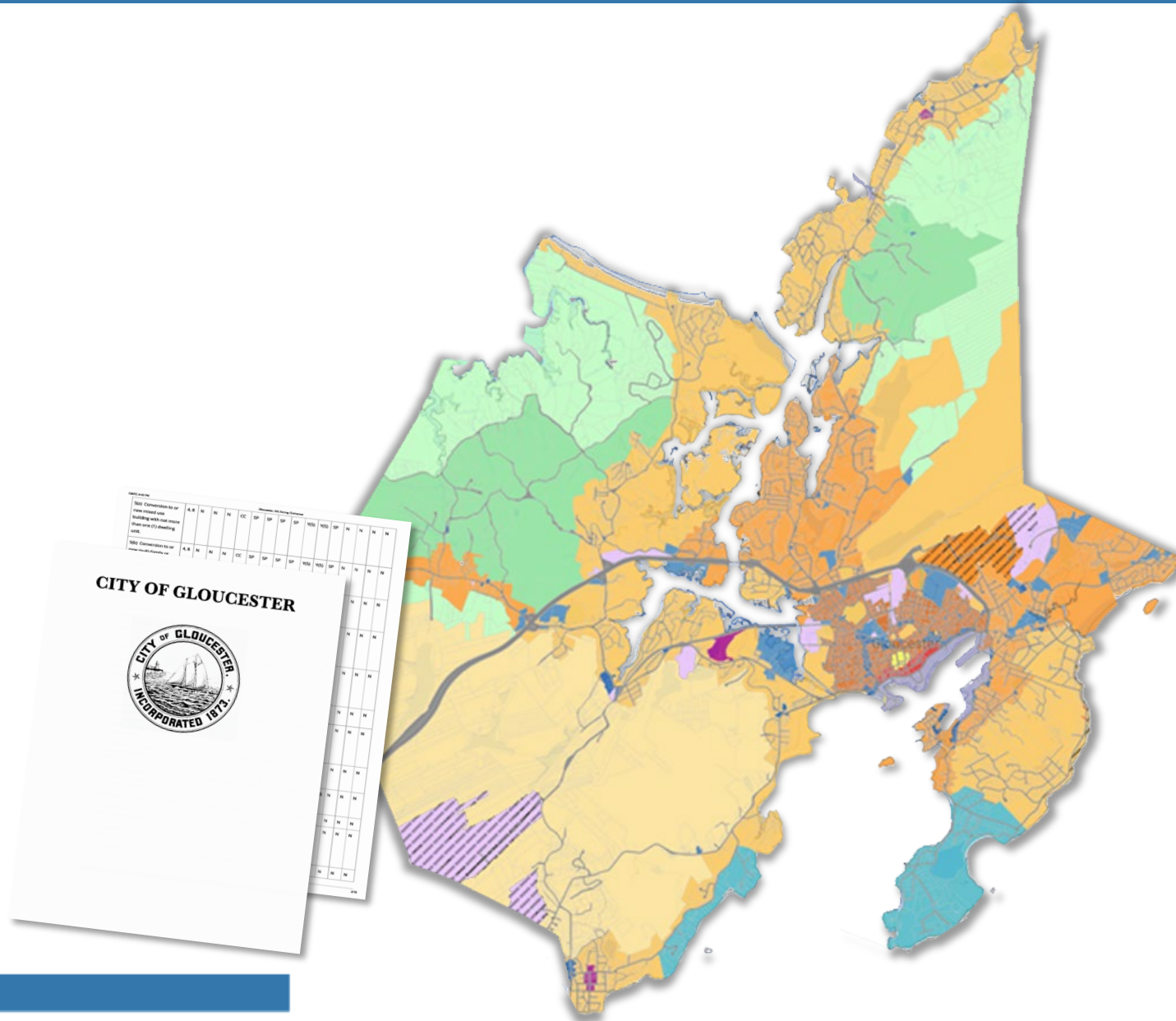
AMENDMENTS UP TO OCTOBER 12, 2019  
OF MASSACHUSETTS ZONING ACT  
§ 83B AS AMENDED



# Manchester-by-the-Sea (7 Zoning Districts)



# Gloucester (15 Zoning Districts)



# Common Elements of a Zoning Bylaw

- I. Allowed Uses**
- II. Development and Design Standards**
- III. Process & Procedures**



# Allowed Uses *(Table of Use Regulations)*

**Residential**

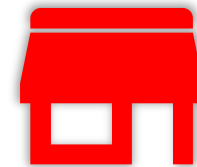
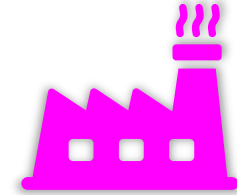
**Commercial**

**Industrial**

**Mixed-Use**

**Institutional**

**Open Space/Recreation**



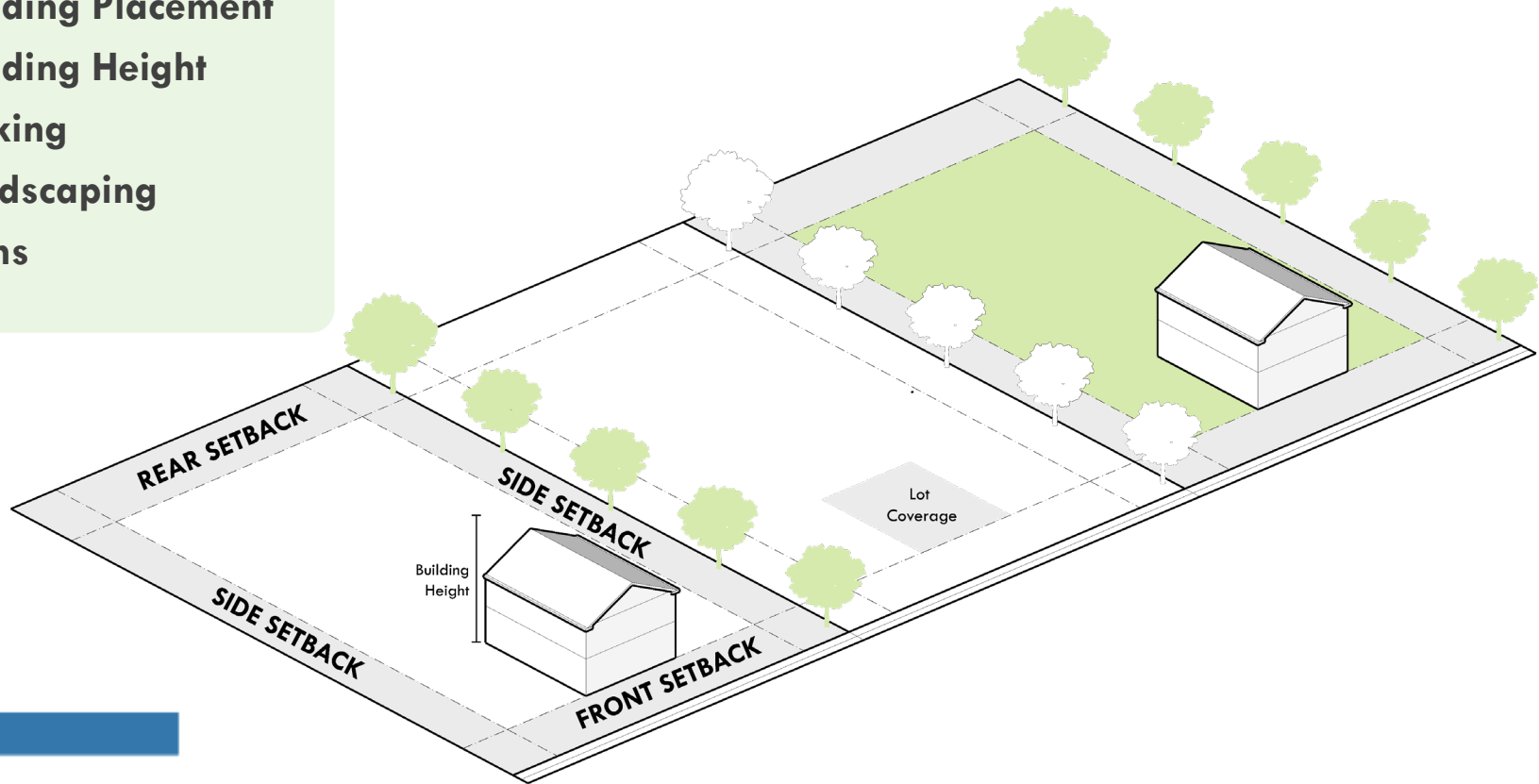
A. COMMUNITY FACILITIES				
	R-1A	R-1B	RA	B
1. Use of land or structures for religious purposes	Y	Y	Y	Y
2. Museums, libraries and parks, playgrounds, conservation areas, water supply areas and other land owned and operated for public enjoyment or service by a public or semi public agency	Y	Y	Y	Y
3. Use of land or structures for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y
4. Hospital, Medical Clinic, cemetery, and campus of educational and charitable institutions	ZRA	ZRA	ZRA	ZRA
5. Community or private club, not conducted for profit	ZRA	ZRA	ZRA	ZRA
6. Nonprofit civic or fraternal building	ZRA	ZRA	ZRA	ZRA
7. Child Care Center or School Aged Child Care Program	N	N	N	Y
8. Commercial Recreation, Outdoors	Y	Y	Y	Y
9. Temporary use for amusement and recreation	ROS	ROS	ROS	ROS
	ROS	ROS	ROS	ROS
B. RESIDENTIAL				
	R-1A	R-1B	RA	B
1. One Single Family Dwelling	Y	Y	Y	Y
2. Conversion of a Single Family Dwelling existing at the time of the adoption of the ordinance (1954) into a Two Family Dwelling (see Section 3.5)	ZRA	ZRA	ZRA	ZRA
3. Open Space and Farmland Preservation Development (see Section 3.1)	FR	FR	FR	N
4. Senior Housing (see Section 3.2)	FR	FR	FR	N
5. Long Term Care Facility	FR	FR	FR	FR
6. Garage with more than 4 motor vehicle spaces	ZRA	ZRA	ZRA	N
7. Two or more dwelling units, second floor and above when part of a retail use building or development	N	N	N	Y
8.2. Municipal building or facilities	ZRA	ZRA	ZRA	Y
11. Essential Services	N	N	N	Y
C. AGRICULTURAL				
	R-1A	R-1B	RA	B
1. On parcels less than (5) acres or more, or two (2) Qualified Acres or more: agriculture, horticulture and livestock	Y	Y	Y	Y
2. Gardens; riding stables; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; woodland, forestry; and greenhouses	Y	Y	Y	Y
3. The raising or keeping of poultry, horses, or cows for other	ZRA	ZRA	ZRA	ZRA



# Development and Design Standards

## Regulates

- Lot Size
- Setbacks
- Lot Coverage
- Building Placement
- Building Height
- Parking
- Landscaping
- Signs



# Design Guidelines



**Building Massing**



**Building Height**



**Setbacks**



**Sustainable Design**



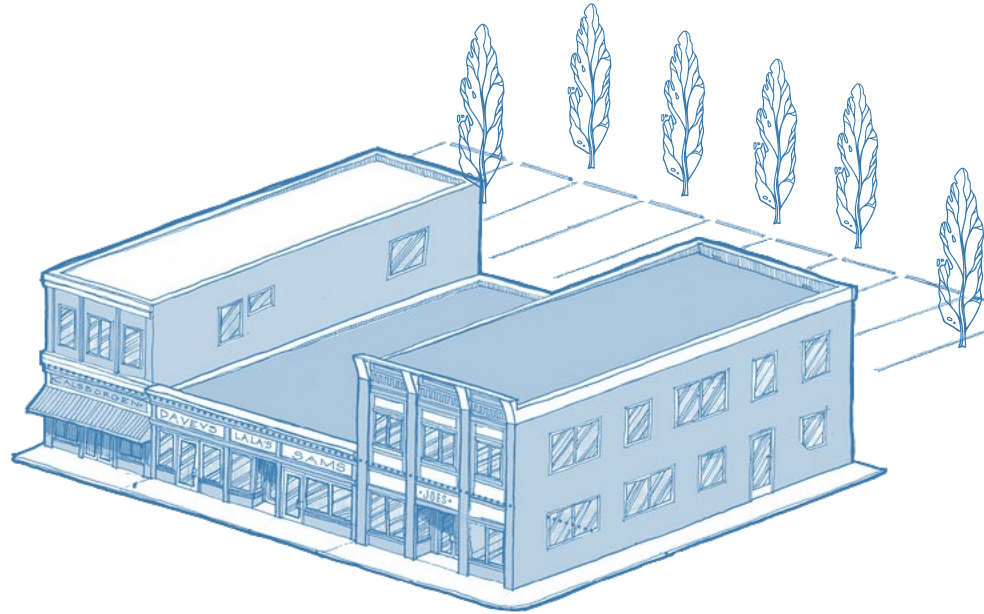
**Parking & Access**



**Landscaping/buffers**



**Signage & Awnings**



# Process & Procedures

- Establishes the process and procedures for developing land
- Specifies which review body will evaluate a proposal
- Defines when and how the public can participate in the development process
- Establishes a process for appeals



**Planning Board**



**Building Inspector**



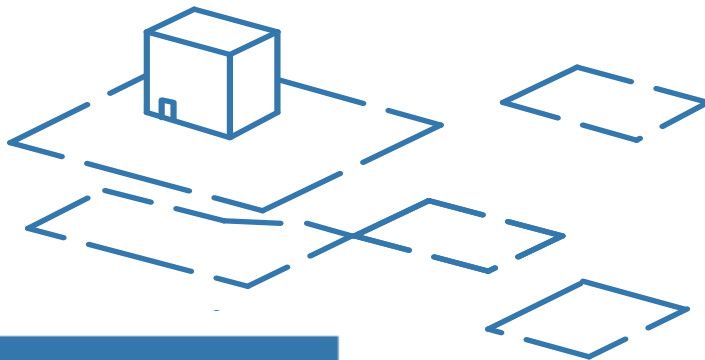
**Zoning Board of Appeals**



**Conservation Commission**



**Historical Commission**

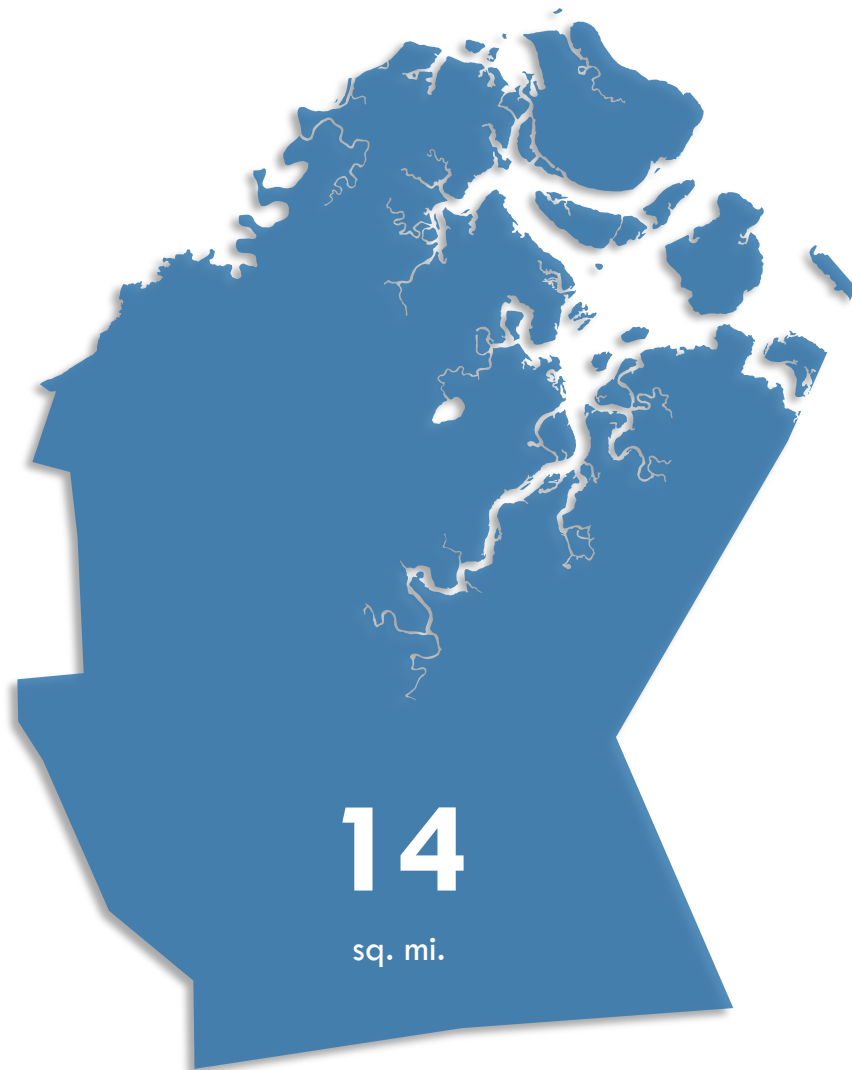




A wide-angle photograph of a coastal town, likely Essex, Massachusetts. The foreground shows a rocky shoreline with dry grass. A body of water, possibly a harbor or bay, occupies the middle ground. In the background, a row of houses and buildings is visible, including a prominent white church with a steeple. The sky is filled with large, grey, dramatic clouds.

# Essex's Existing Zoning Bylaw

# Demographic Snapshot



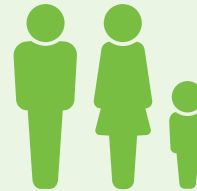
**Essex**



**3,675**  
Population



**1,662**  
Total Housing Units

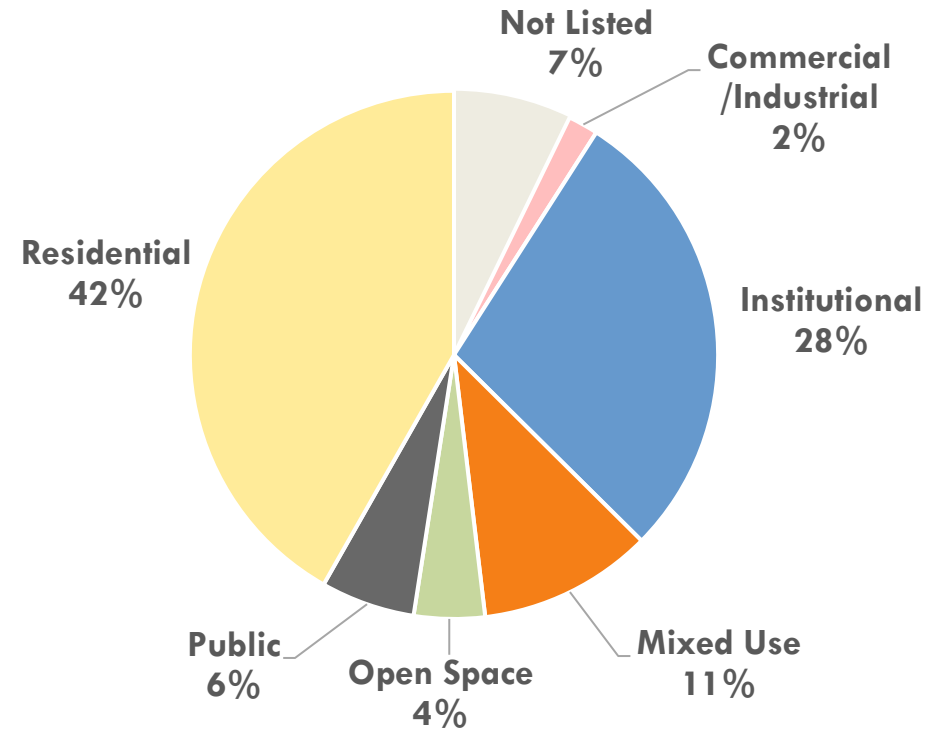
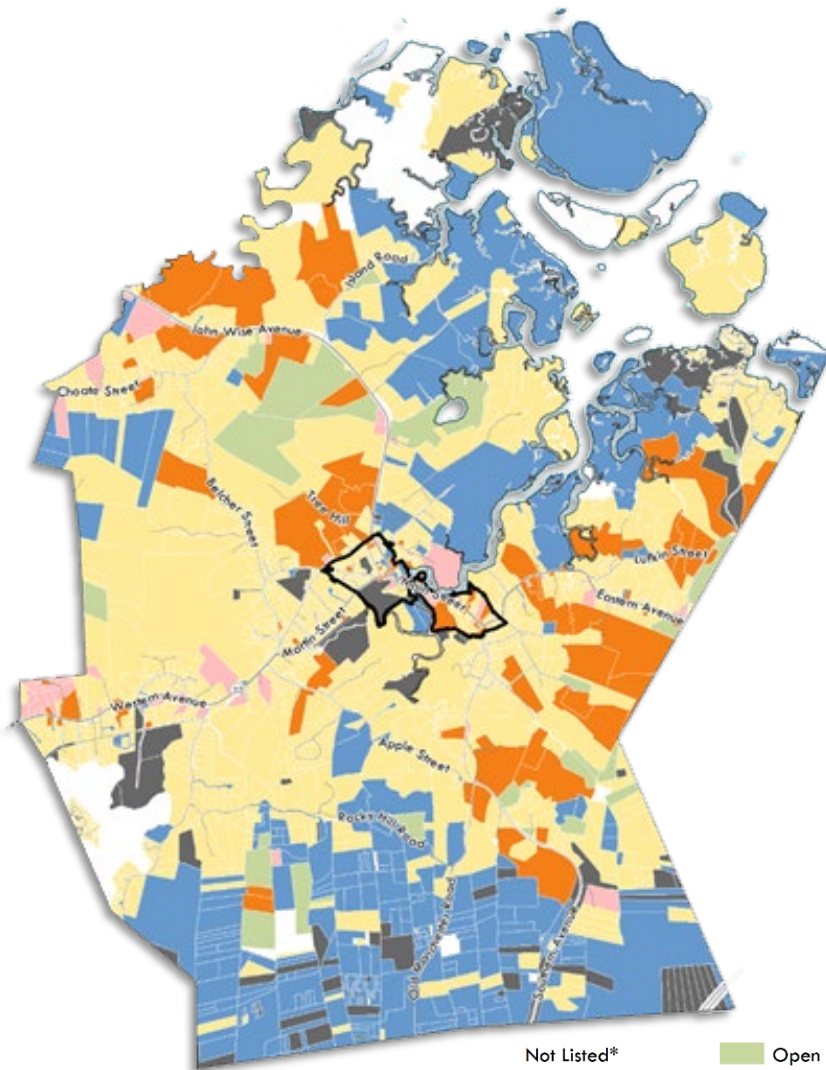


**2.5**  
Average  
Household Size



**\$106,283**  
Median Household  
Income

# Existing Land Uses



Source: Town of Essex Assessor's Data, MassGIS

## Notes on the Land Use codes:

- **Open Space** - Ch. 61 lands, productive lands, wetlands, and nature study areas
- **Institutional** - private educational institutions, charitable organizations, churches, libraries, cemeteries, private open space, etc.
- **Not listed** - road rights-of-way or water bodies



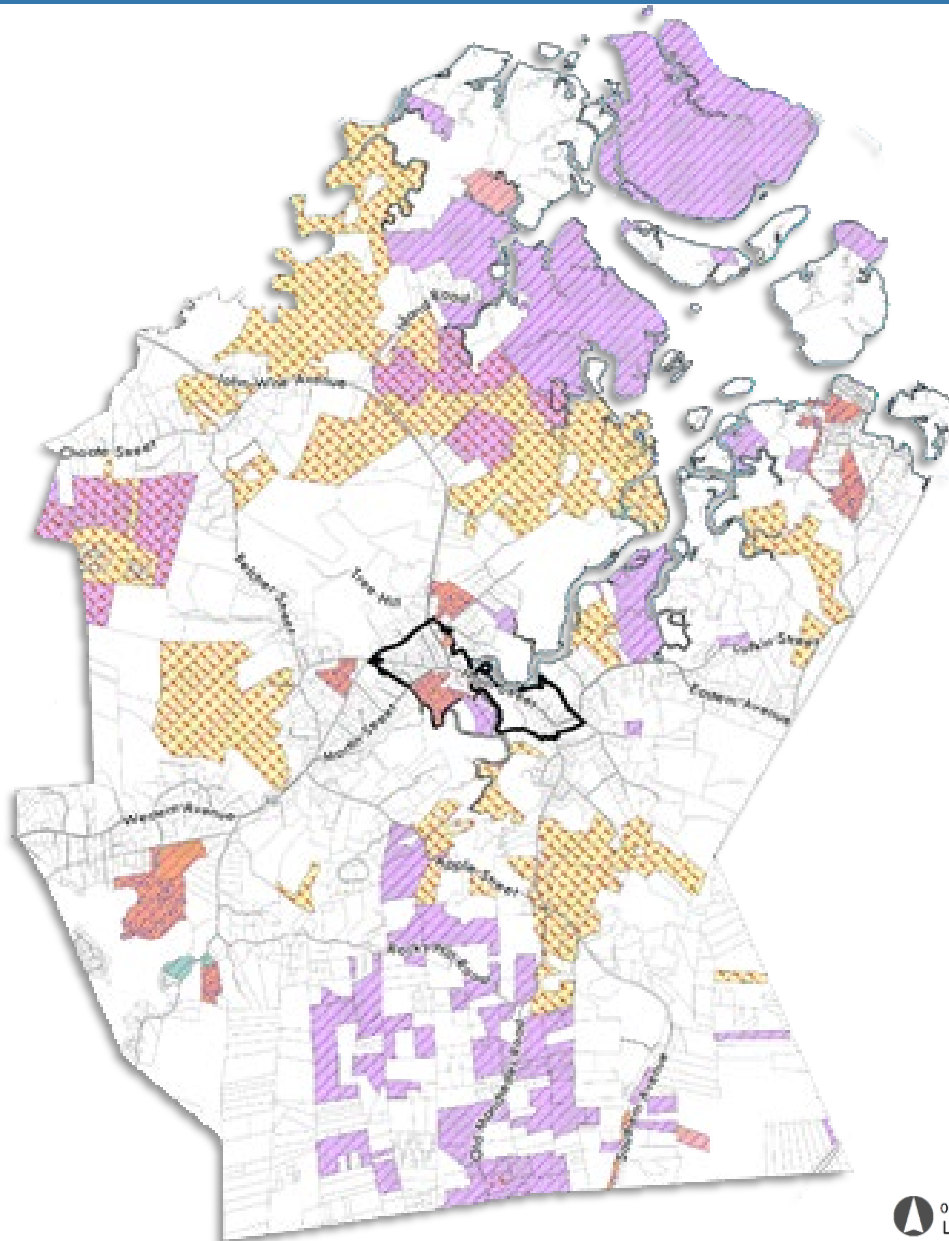
0 0.275 0.55 Miles



\*Primarily water, public and private roads, among other parcels



# Protected Open Space



## Ownership

- Land Trust
- Municipal
- Private Non-Profit
- Private
- State

## Deed Restrictions

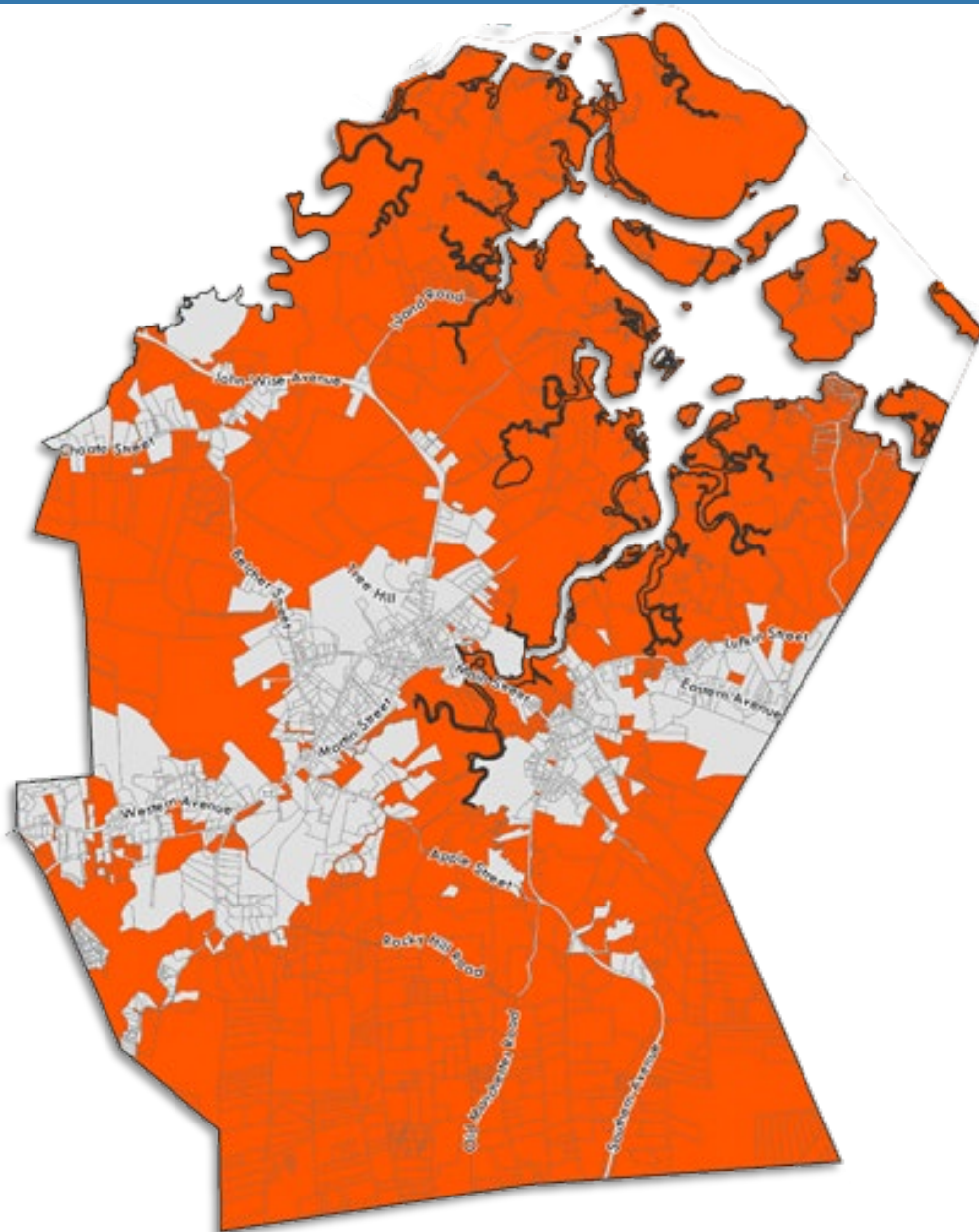
- Conservation Restriction
- Agricultural Preservation Restriction

## Level of Protection

- Limited
- Perpetuity



# Development Constraints



- Several factors limit development in Essex
- Water resources (wetlands, flood zones, lakes/waterways, etc.)
- Permanently protected open space
- Wastewater disposal limitations

- Essex Parcels
- Undevelopable Parcels\*
- Scenic Roads



\*Undevelopable parcels are those that overlap with flood zones, wetlands, permanently protected open space, water bodies, rights of way, and BioMap Core Habitat and Critical Landscape.

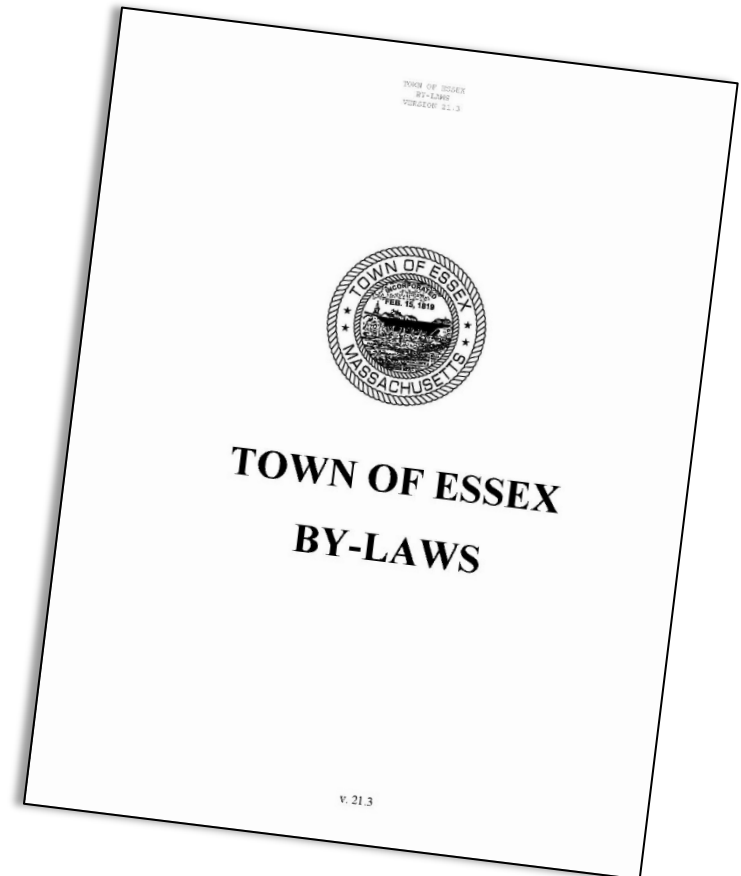
# Essex Current Zoning Bylaw:

## Chapter 6

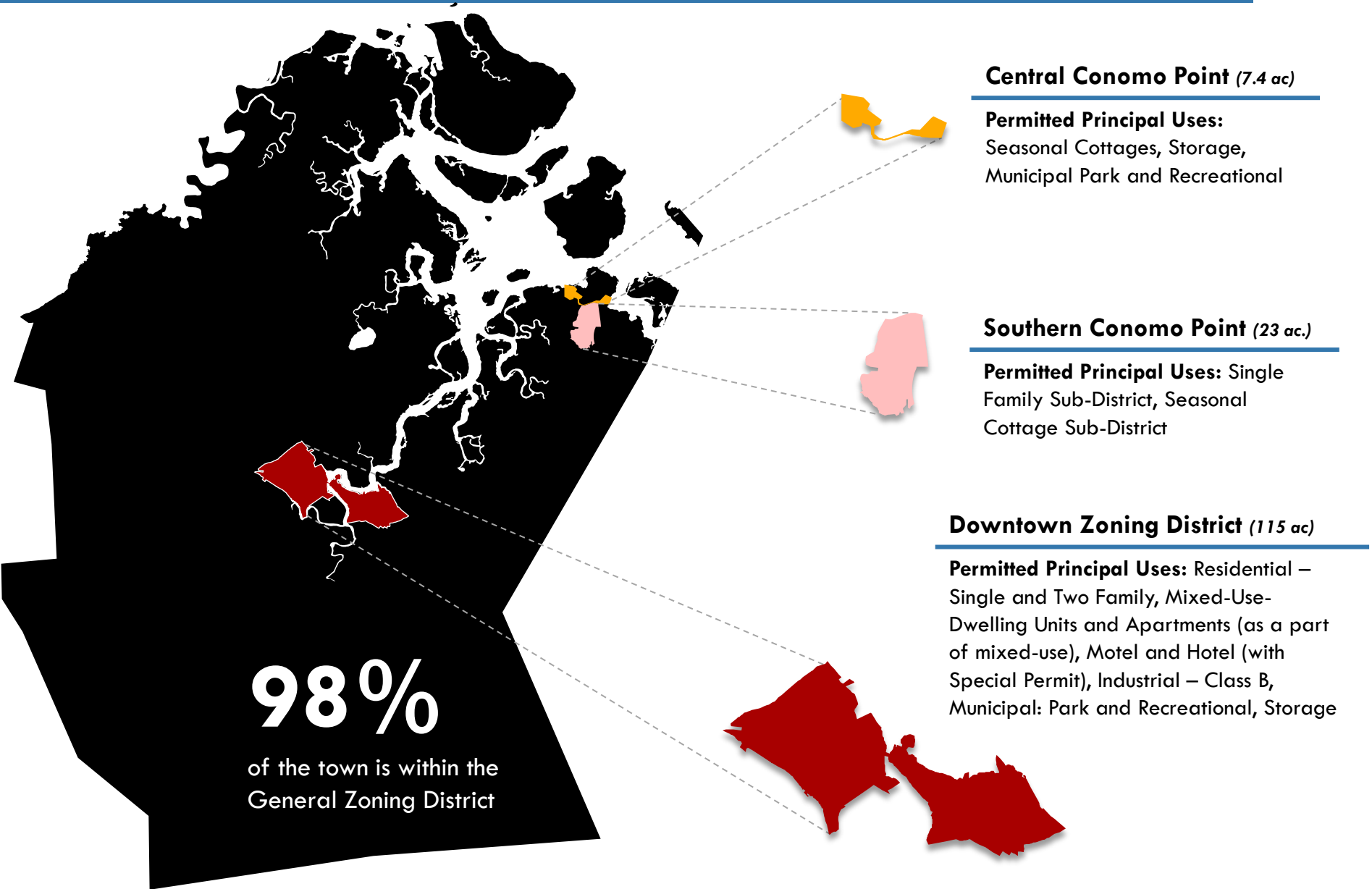
- 16 Sections

## Key Elements:

- 6-2 Definitions
- 6-3 Land Use Regulations
- 6-3.2 Dimensional Requirements
- 6-6 Off-Street Parking and Loading
- 6-7 Signs
- 6-8 Administration
- 6-10 Overlay Districts
- 6-11 Southern Conomo Point Zoning District
- 6-12 Central Conomo Point Zoning District
- 6-15 Essex Downtown Zoning District



# Essex Zoning Districts





# Existing Regulations

## Use Regulations

Residential, commercial, and industrial uses allowed potentially everywhere, provided dimensional standards are met

## Site Plan Review

Tied to building size rather than use; utilized more than Special Permit process

## Special Permit

Applies to a minimal number of uses

## Development Guidelines

- Very few, making it hard to manage how commercial or industrial uses interact with neighboring residences.
- Restrictions on housing options make it difficult to build anything but single-family detached

# Assessing different zoning options

## Establish More Zoning Districts

- Could regulate where residential and non-residential development could occur
- Designate areas for commercial and industrial areas and restrict these uses from occurring in residentially zoned areas

## Refine Current Zoning

- Continue to allow residential, commercial, and industrial uses everywhere
- Add additional requirements like building size limitations, buffer requirements, design guidelines, noise limitations, etc. to non-residential uses
- Expand the Site Plan Review and Special Permit approval processes to include more non-residential land uses

# Questions?



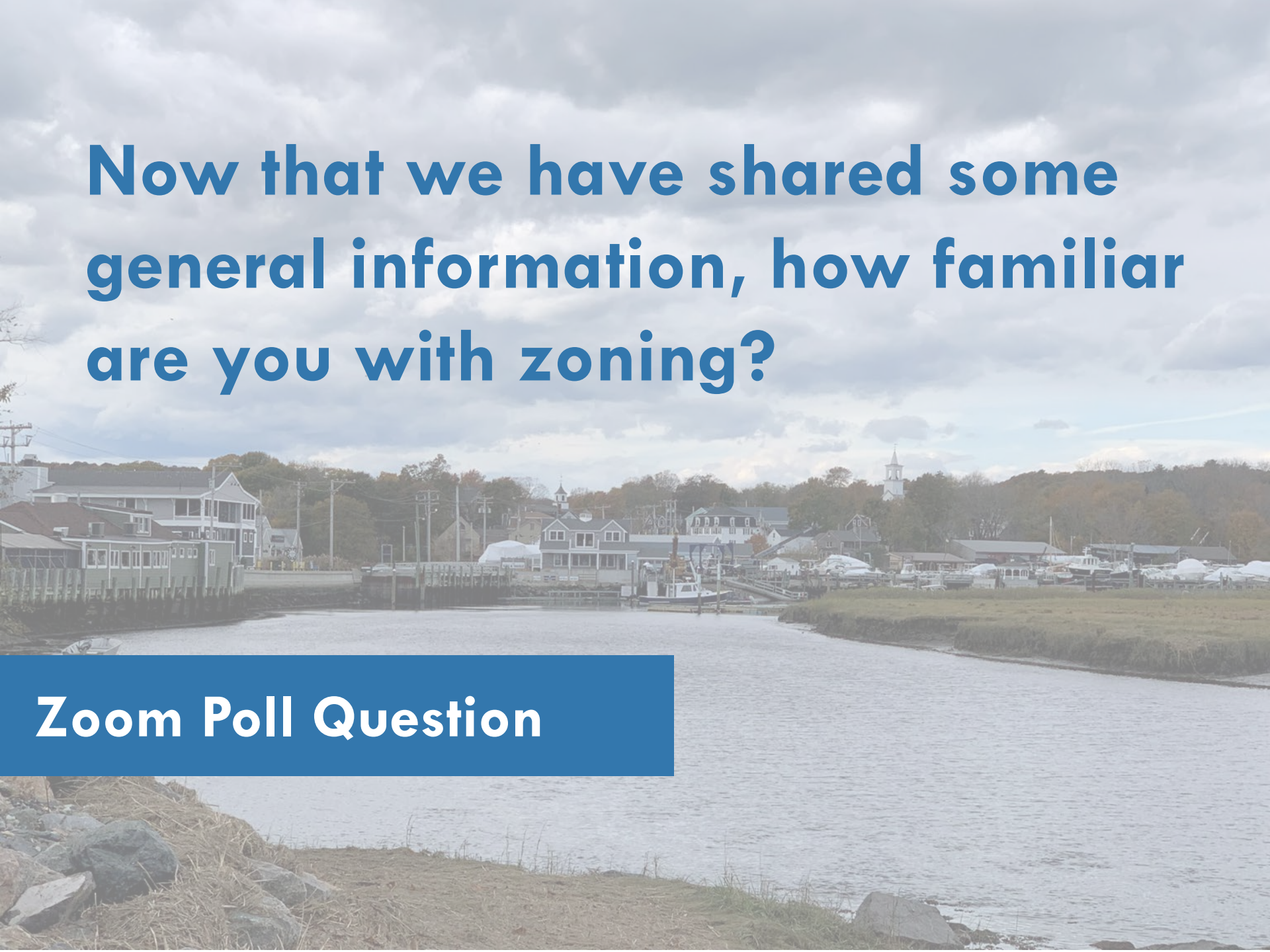
# Breakout Session

**What do you think of the zoning options presented?**

**What other information do you need?**







**Now that we have shared some  
general information, how familiar  
are you with zoning?**

**Zoom Poll Question**

# Next Steps

**Next Community Forum**

**Late March 2022**

# Online Survey



## Take the Survey

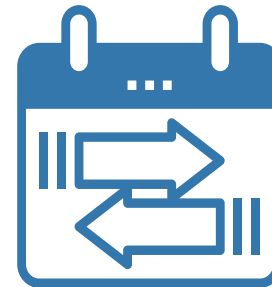
- Tell us how the zoning in Essex is working for you.
- Tell us what kind of zoning changes you would like to see.
- Share your ideas on ways the zoning bylaw could be improved.



**15**  
*mins*

## Survey Link

[mapc.ma/EssexZoningReviewSurvey](https://mapc.ma/EssexZoningReviewSurvey)



**15-01**  
*Feb-March*

# Thank You!

**Andrea Harris-Long, AICP**

Senior Planner

[aharris-long@mapc.org](mailto:aharris-long@mapc.org)

**Courtney Lewis**

Regional Land Use Planner

[clewis@mapc.org](mailto:clewis@mapc.org)

