

Proposed Zoning By-law Changes

The Manchester Planning Board will be hosting a Public Hearing by Zoom next week on May 17 and May 18, if needed. The hearing is intended to receive public comment and answer questions on proposed comprehensive changes to the Town’s Zoning Bylaws. To review details of the changes, visit <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates>

The Bylaws are a complicated document that governs how property owners may use their land. Some uses are allowed “by right” which means a building permit may be issued by the Building Inspector without any additional public review if all the rules are followed. Some uses are allowed by “special permit” which means a property owner must have their project reviewed by either the Planning Board or the Zoning Board of Appeals. Public comment is taken into account but the reviewing board makes their final judgement based on their knowledge of fair and appropriate land use as well as public comment.

The Bylaws are comprised of a series of sections covering different topics including: the establishment of specific zoning districts; a list of allowed uses in each district; and specific dimensional requirements for each district. Other sections describe special overlay districts, site plan and special permit review and property development standards. Voters are urged to review both the existing Bylaws and the proposed changes. The Board has attempted to summarize and explain the changes here and on the town website.

Section	Proposed Zoning Bylaw Changes
	The following is an overview of the substantive changes to the Zoning Bylaws that the Planning Board is recommending to the town for passage. They will be discussed at the public hearing in May, revised, and final wording brought to Town Meeting on June 11 th for a final vote.
1. Authority and Purpose	<ul style="list-style-type: none"> • Old: Section 1 briefly addressed the authority & purpose of the bylaws. • New: The new Section 1 revises the old section and adds scope, applicability, procedures and other additional administrative matters. It is a brief section.
2. Definitions	<ul style="list-style-type: none"> • Old: Section 2 had only 11 definitions in it. Other definitions were in various parts of the bylaws and were therefore hard to find. Some definitions needed improvement. • New: In the new Section 2 we added about 80 definitions including, among others, affordable housing; dwelling types; day care; building size, height & lot dimensions; land uses such as hotels, junk yards, clinics, agricultural uses; and types of senior housing. The definition of lot width is now simpler and clearer. All definitions are now gathered into the same bylaw section. • Why: This improves the clarity of terms used in our laws making them easier to use and understand for homeowners as well as making them easier for the town to administer fairly, avoiding the need for legal or professional counsel to understand them.
3. Districts	<ul style="list-style-type: none"> • Old: Section 3 defined the zoning districts & zoning map. • New: No changes to the districts have been made. District D has been clarified as 2 districts. Lot lines and lots in multiple districts have been clarified.
4. Use	<ul style="list-style-type: none"> • Old: Section 4 was a lengthy narrative description of all land uses including single family,

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Regulations	<p>The following is an overview of the substantive changes to the Zoning Bylaws that the Planning Board is recommending to the town for passage. They will be discussed at the public hearing in May, revised, and final wording brought to Town Meeting on June 11th for a final vote.</p> <p>general, limited commercial, in-law apartments, flood control, flood plain, ground & surface water overlay, wireless facilities & helicopter uses.</p> <ul style="list-style-type: none"> • New: The new Section 4 includes a comprehensive table, similar to that used in most towns throughout the state, which clearly defines all allowed land uses in all zoning districts. Minor changes were made to a few land uses including accessory uses. Swimming pools will be allowed as of right without the requirement of a special permit as long as specific criteria have been met. • Why: The easy-to-use table clearly & simply defines what uses are allowed by right or by special permit.
5: Dimensional Regulations	<ul style="list-style-type: none"> • Old: Section 5 covers rules for frontage, setbacks from lot lines and height restrictions. • New: No changes have been made but a table has been created for ease of use.
6: General Regulations	<ul style="list-style-type: none"> • Old: Section 6 was lengthy and covered a number of unrelated issues such as parking, signage, non-conforming uses, site plan & site clearing review. Many of the provisions were overly complicated, redundant and inconsistent. • New: Some of the parts of Section 6 are being moved such as: curb cuts, junk cars and stormwater management to the General Bylaws. Non-conforming use is moving to Section 7. <p>Curb cuts will be referred to as driveway entrances and reviewed with specific criteria by the DPW. Junk car regulations will not change. Stormwater Management will have minor changes bringing it into compliance with current State standards.</p> <p>The required parking space size is being reduced to more standard dimensions, thus decreasing the amount of paved area in town, but other parking requirements remain the same. Signage regulations remain unchanged.</p> <p>Performance based development standards replace the existing prescriptive ones for use in site plan and special permit review. They will work in conjunction with the special permit review criteria found in the new Section 12. Topographic change will be referred to as site clearing with a clearer purpose statement but the regulations remain the same.</p> <ul style="list-style-type: none"> • Why: A single set of design standards will provide guidance for developers and others needing site plan approval, and will provide specific direction to Town boards for their review. Most towns review curb cuts with their DPW, Highway or Traffic Departments only and no special scrutiny is necessary.
7. Non-Conforming	<ul style="list-style-type: none"> • Old: The current Section 7 is brief and covers administrative issues such as permits, code enforcement and the Board of Appeals (ZBA). It is being moved to the new Section 12.

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<p>Uses and Structures</p>	<ul style="list-style-type: none"> • New: The new Section 7 concerns non-conforming uses only. Previously this was addressed in Section 6. A certain amount of changes will be allowed without obtaining a special permit for single and two-family structures as long those changes conform in all respects with the zoning bylaws. Reconstruction, demolition and abandonment of nonconforming structures is addressed. The new regulations will bring the Bylaw into compliance with case law and avoid the risk of lawsuits and appeals. <p>Why: About three quarters of the properties in town do not fully comply with current zoning and are considered non-conforming. Issues addressed are whether special permits should be required for normal changes to non-conforming uses. Excessive changes will still require a special permit and the ZBA will have more flexibility in approving modifications of grandfathered properties that are non-conforming.</p>
<p>8. Special Regulations</p>	<ul style="list-style-type: none"> • Old: This is a new bylaw section. • New: We are obligated to allow Adult Entertainment but are allowed to regulate it which we do so here. Regulations are needed to require standards of operation for such establishments. It will only be allowed in the Limited Commercial District by Special Permit • Why: Without regulations, the town is vulnerable to an unregulated adult entertainment establishment.
<p>9. Special Residential Regulations</p>	<ul style="list-style-type: none"> • Old: This is a new bylaw section governing specific residential uses. Residential Conservation Cluster (RCC) which was previously in Section 9, In-law Apartments (ADU's) which were previously in Section 6, and Senior Housing which is a new allowed land use. The existing RCC is not easy to use, requires 5 acres of land and provides little benefit for the town. The existing ADU law requires special permits and other requirements which have severely discouraged their creation. • New: The revised ADU law allows their creation 'by right' as long as they comply with specific regulations such as: limited size to 900 sq. ft.; owner occupancy requirement; a minimum 6 month lease; an annual cap of 20 new units per year; it eliminates the requirement of being an employee in order to reside in them; and it allows for ADU's that do not comply if they receive a special permit from the ZBA. <p>The revised RCC offers continues to allow for clustered housing with no increase in density. The new provision also allows for less expensive housing, preserving more open space, and adding to town amenities by specifying density bonuses for providing affordable housing, open space, or town amenities.</p> <p>The new Senior Housing provision is intended to encourage the development of assisted living and long-term care for seniors and to create health care, housing and other supportive services for our senior population. Any proposed senior facility will require a special permit.</p>

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	<ul style="list-style-type: none"> • Why: These changes will promote greater diversity of housing opportunities as recommended by the Master Plan. There are no current provisions for senior housing in the bylaw.
10. Special Districts	<ul style="list-style-type: none"> • Old: This is a new bylaw section created at the Nov. 2021 Town Meeting and includes the Flood Control District, Flood Plain District and Water Resource Overlay District regulations. • New: No new changes are proposed.
11. Energy Regulations	<ul style="list-style-type: none"> • Old: This is a new bylaw section including the existing regulations for wind and solar systems. • New: No new changes are proposed.
12. Administration and Procedures	<ul style="list-style-type: none"> • Old: This is a new bylaw section that replaces Section 7 of the current bylaw which includes administrative and procedural requirements. The current administrative section is somewhat confusing and neglects to describe the role of the Planning Board • New: The roles, powers and organizational framework of the Building Inspector, Zoning Board of Appeals and Planning Board will be clarified. The procedures and criteria for reviewing special permits and site plan review will be simplified and strengthened. <p>The ZBA will be authorized to grant “special accommodation” for handicapped individuals, as required by State Law.</p>
General Bylaw Modifications	<ul style="list-style-type: none"> • Old: No changes are being proposed to the existing General Bylaws beyond adding zoning bylaws from Section 6 to them. • New: Curb cuts will be referred to as Driveway Entrances and reviewed based on specific criteria by the DPW. Most towns already review these by their DPW, Highway or Traffic Departments only. <p>Junk car regulations are relocated here and will not change.</p> <p>Stormwater Management will have minor changes bringing it into compliance with current State standards.</p>

Prepared for the Planning Board by Gary Gilbert & Chris Olney