

Section 4 – Proposed

The Manchester Planning Board has been working for two years to improve the town's Zoning Bylaws to be clearer and remove redundant sections and update to best practices.

A public hearing is scheduled for May 17 at 6:30 via Zoom and will be continued if needed on May 18. Town meeting is scheduled for June 11.

Section 4

- Replace the current complicated narrative into an easy-to-read table which identifies specific allowed uses for each district.
- Minor changes to a few specific uses described in the current Regulations.
- Current details will be maintained as notes with appropriate references.

The use of laboratory uses that are currently allowed in a portion of the LCD will be expanded to an area within the LCD to east of School Street. (remove for June if approved in April)

SECTION 4.0 USE REGULATIONS

4.1 PRINCIPAL USES.

4.1.1 Applicability of Use Regulations. Except as otherwise provided by law, in each district no building, structure, or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use and Parking Regulations. Any principal or accessory use not listed shall be construed to be prohibited.

1. No dwelling shall be erected except on a lot fronting on a street, and there shall be not more than one principal residential building on any lot.

4.1.2 Permitted Uses. In the following Table of Uses, the uses permitted by right in the district shall be designated by the letter (Y). Uses designated (N) shall not be permitted in the district. Those uses that may be permitted by special permit in the district, in accordance with Section 10.5, shall be designated by identification of the Special Permit Granting Authority, which is either:

ZBA Zoning Board of Appeals

PB Planning Board

SB Select Board

4.1.3 Uses Subject to Other Regulations. Uses permitted by right or by special permit shall be subject, in addition to these use regulations, to all other provisions of this Bylaw.

4.2 TABLE OF USES

See Table at the end of Section 4

4.3 ACCESSORY USES.

4.3.1 Permitted Accessory Uses in All Districts.

Allowed permitted accessory uses are defined by the Table of Uses. In the all Districts, accessory uses not listed in section 4.3.2 or in the Table of Uses are prohibited.

4.3.1 Non-Residential Accessory Uses. Any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 12.6 shall also require site plan review and approval.

4.3.2 Residential Accessory Uses. In addition to the accessory uses allowed in the Table of Uses or that meet the definition of accessory use in Section 2, the following accessory uses are specifically permitted as of right or by special permit in a single or two-family residence whether in or outside a Residence District, as set forth herein:

1. Boarders in Single-Family Dwelling. The renting of rooms and/or furnishing of board to not more than four (4) persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use.
2. Home Occupation.
3. Swimming Pools. The Inspector of Buildings may grant a building permit for a swimming pool accessory to a residential use subject to the following conditions:
 - a. Lot and lot coverage must be conforming and coverage conforming.
 - b. No swimming pool shall be constructed within the setbacks required for the principal dwelling as measured from the inside edge of the pool rim to the lot line.
 - c. All swimming pools shall have a fence at least four feet high as required by the State Building Code that enclose and effectively limit access to the pool.
 - d. All lighting associated with a swimming pool must be directed downward and must not create light spillage closer to the property line than the setbacks of the principal dwelling.
 - e. Landscaped fence perimeter to screen visibility from the street is encouraged.
 - f. Any swimming pools that do not satisfy the above criteria a-d may be constructed only by the issuance of a special permit from the Zoning Board of Appeals.

USE	Districts							
	A	B	C	D1	D2	E	G	LCD(1)
	Single Residential A	Single Residential B	Single Residential C	Residential District 1	Residential District 2	Single Residential E	General	Limited Commercial
D. COMMERCIAL USES								
1. Business or professional office building; bank or financial institution	N	N	N	N	N	N	Y	Y
2. The office of a doctor, dentist or other member of a recognized profession (8)	Y	Y	Y	Y	Y	Y	Y	N
3. Medical office building for no more than three doctors (9)	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N
4. General retail uses	N	N	N	N	N	N	Y	N
5. Personal or general service establishment	N	N	N	N	N	N	Y	N
6. Restaurant	N	N	N	N	N	N	Y	N
7. Indoor recreational club or facility	N	N	N	N	N	N	N	Y
8. Printing and publishing establishment	N	N	N	N	N	N	Y	N
9. Personal Wireless Telecommunication Service Facility	N	N	N	N	N	N	N	N
10. Yacht storage, construction, and service and related uses	N	N	N	N	N	N	Y	N
11. Fish and shellfish landing, storage, and handling (but not a fish processing or similar plant)	N	N	N	N	N	N	Y	N
12. Wind energy conversion systems	PB	PB	PB	PB	PB	PB	PB	N
13. WECF, Wind Monitoring and Meteorological towers	N	N	N	N	N	N	N	N
14. Large-scale ground-mounted solar photovoltaic installation (See Section 11.1)	N	N	N	N	N	N	N	N
15. Public parking or garaging of automobiles not incidental to another permitted use	N	N	N	N	N	N	PB	PB
16. Helicopter landing, storage or parking facility	PB	PB	PB	PB	PB	PB	PB	PB
17. Marijuana business and treatment center	N	N	N	N	N	N	N	PB
18. Laboratories, research and development, and related light manufacturing, assembly	N	N	N	N	N	N	N	PB (10)
E. ACCESSORY USES								
1. Up to four-boarders in a single-family dwelling with common cooking and living facilities (11)	Y	Y	Y	Y	Y	Y	Y	Y
2. Maintaining on any lot not more than one commercial vehicle	Y	Y	Y	Y	Y	Y	Y	Y
3. Garaging or maintaining of more than 4 automobiles when accessory to a dwelling	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N
4. Tennis court, or similar court when accessory to a dwelling	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA?	N
5. Swimming pool accessory to a dwelling as defined in section 4.3.2	Y/ZBA	Y/ZBA	Y/ZBA	Y/ZBA	Y/ZBA	Y/ZBA	ZBA?	N
6. Accessory Dwelling Unit (12)	ZBA	ZBA	ZBA	N	N	ZBA	ZBA	N

USE	Districts							
	A	B	C	D1	D2	E	G	LCD(1)
	Single Residential A	Single Residential B	Single Residential C	Residential District 1	Residential District 2	Single Residential E	General	Limited Commercial
7. As part of an existing garage, stable or other existing structure, family living quarters for an employee of the owner/occupant (13)	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N
8. Customary home occupation conducted in a dwelling or building accessory thereto by a person residing on the premises (14)	Y	Y	Y	Y	Y	Y	Y	N
9. Accessory uses or structure on the same lot with and customarily incidental to a permitted main use on the same premises, including off-street parking	Y	Y	Y	Y	Y	Y	Y	Y
10. Family day care home, large	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
11. Family day care home, small	Y	Y	Y	Y	Y	Y	Y	Y
12. Adult social day care	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
F. OTHER								
1 Matters (including the construction or alteration of any structure or the use thereof) all or any part of which is within tideland lying below Mean High Water (per U.S. Geodetic Survey) (15)	N/A	PB	N/A	N/A	N/A	PB	PB	N/A

NOTES TO TABLE:

- (1.) Any allowed use within the LC District requires site plan approval from the Planning Board as provided in **this bylaw.**
- (2.) Such alteration or reconstruction shall not include an increase in floor area or volume, except that shed and individual dormers shall not be considered to be an increase in volume.
- (3.) In the D-2 district, the conversion of a single-family residence in existence on the lot as of May 6, 1991 to a two-dwelling unit structure and the construction of a two-dwelling unit are permitted, if authorized by a special permit issued by the Zoning Board of Appeals. However, the conversion to a two-dwelling unit of a structure existing on the lot as of May 6, 1991, that does not involve any increase in the size, height or volume of the structure, including the construction of exterior stairways, porches, patios or decks, shall not require a special permit as long as there is compliance with the following criteria.
 - a. The units within the structure shall connect with the municipal sanitary sewer;
 - b. The new or expanded structure is appropriate in terms of bulk, shape, location on the lot and relationship to abutting properties and existing structures within the immediate and general neighborhood;
 - c. Off-street parking regulations of Section 6.2 of this By-Law are met;
 - d. The converted two-unit structure may not be substantially different in character from the existing building, except in a case where changes in building facade or design would better reflect the overall character of the surrounding neighborhood;
 - e. The resulting structure will be in harmony with the surrounding neighborhood.
- (4.) An existing dwelling which is altered or reconstructed so as to contain no more than three dwelling units. Such alteration or reconstruction shall not include an increase in floor area or volume. Except for shed dormers, individual dormers are not considered to be an increase in volume.
- (5.) A new or enlarged existing dwelling containing not more than 4 dwelling units if authorized by a special permit issued by the Planning Board in accordance with the provisions **of the special permit provisions of this bylaw;**

in addition, the following stated provisions shall also apply. After the required public hearing, the Planning Board shall find and determine that such dwelling and use, including the site, plans and designs of the dwelling and any accessory buildings, constitute a desirable development in and will not be detrimental to the neighborhood, and subject further to the following conditions:

- a. Each unit shall have independent cooking facilities.
 - b. No living quarters shall be located so that the floor elevation is more than 36 inches below the finished exterior grade.
 - c. The dwelling and to the extent appropriate any accessory building shall connect with a municipal sanitary sewer;
 - d. The density shall not exceed the rate of 15 dwelling units per acre of lot except for a dwelling constructed or enlarged on a lot of less than 12,000 square feet existing on January 25, 1974;
 - e. Such other conditions and restrictions as the Planning Board may prescribe in the interest of the Town in carrying out the purposes of this By-Law.
- (6.) See Section 9.2 for details
- (7.) Not for profit
- (8.) Provided there is no display or advertising except for a small professional sign not over one square foot in area.
- (9.) The offices within a single building for not more than three medical doctors, subject to the following conditions:
- a. the Board of Appeals determines that there is a need in the Town for such offices within a single building, that there is no reasonably available and suitable office space for such doctors within a single building, or land for such a building, in a district other than a Residence District, and that there is adequate and safe off-street parking for doctors and their staffs and patients;
 - b. there is no display or advertising except for a small professional sign for each doctor not over one square foot in area;
 - c. no more than one building with offices for more than one doctor shall be permitted in the Residence Districts; and
 - d. site plan approval is required by the Planning Board.
- (10.) By Special Permit from the Planning Board, and limited to the land areas west of Pine Street, a/k/a Pipe Line Road, and east of School Street, laboratories and establishments devoted to scientific research and development; light manufacturing, assembly and processing of materials related thereto and incidental accessory uses.
- (11.) Providing there is no sign or display to advertise such use. (But it shall not be permissible to construct or operate overnight camps.).
- (12.) See Section 9.1 for requirements
- (13.) As part of an existing garage, stable or other existing structure approved by special permit of the Board of Appeals, family living quarters for and to be occupied only by an employee of the owner occupant of the dwelling while such garage, stable or other existing structure, approved by the Board of Appeals, is an accessory use. Said employee must be employed on the premises.
- (14.) Provided there is no visible display of goods from the street and no exterior advertising, except a sign of not more than two square feet in area, and provided such occupation shall not be carried on in an accessory building.
- (15.) For which an application for a state license under Section 18 of Gen. Laws Chapter 91 is required thereunder to be submitted for comments to the Planning Board.

