

Section 8 – 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.

Changes to section 8

Section 8.6 Adult Entertainment (new section)

Summary:

- Add regulation of Adult Entertainment (note, state law requires that we allow “adult entertainment” in some district, but allows for its regulation)
- Without regulations, the town is vulnerable
- Regulations are needed to enforce any standards for operation of adult oriented establishments.
- Provide standard and widely accepted regulations of this use

Adult Entertainment

Article: To see if the town will add a new section 8.6 to the Zoning Bylaws as follows:

8.6 ADULT ENTERTAINMENT ESTABLISHMENTS

8.6.1 Purpose.

It is the purpose of this Section governing Adult Entertainment Establishments to address and mitigate the secondary effects of Adult Entertainment Establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town and its inhabitants.

1. The provisions of this By-law have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this By-law to restrict or deny access by adults to Adult Entertainment Establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of

Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this By-law to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

8.6.2 Authority.

This By-law is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain Adult Entertainment Establishments for the reasons set forth, above.

8.6.3 Applicability.

An Adult Entertainment Establishment may be permitted as set forth in the Table of Use Regulations by special permit by the Board of Appeals provided a written determination is issued by said Board that the special permit decision criteria **of this bylaw** have been met.

8.6.4 Location.

Adult Entertainment Establishments may be authorized by Special Permit in the Limited Commercial District.

8.6.5 Conditions.

1. In no instance shall the Board of Appeals issue a special permit to any person convicted or violating G.L. c. 119, s. 63 or G.L. c. 272, s. 28.
2. No pictures, publications, electronic media, or other implements, items, or advertising that fall within the definition of adult merchandise shall be displayed in store windows or be visible from areas used by the general public.