

Article _____

To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Laws by **DELETING** the following Section entitled "Introduction" or take any action relative thereto.

INTRODUCTION

~~_____The Town of Manchester by the Sea voted to amend the Zoning By Law at the Annual Town Meeting held on May 1, 2 and 3, 1978, adopting a complete Zoning By Law revision and new codification and organization. The Massachusetts Attorney General approved, with deletions in subsection 7.1.2 and section 7.2, this amended and recodified Zoning By Law on August 18, 1978. The Zoning By Law has subsequently been revised often by vote of Town Meeting.~~

~~_____Any editorial, typographical and transcription errors do not invalidate the Zoning By Law. If errors are found, please report them to the Board of Selectmen's office.~~

GENERAL REQUIREMENTS

~~_____Chapter 40A of the Massachusetts General Laws as amended by Chapter 808 of the Acts of 1975, "The Zoning Act", sets forth certain requirements relating to zoning matters. For the convenience of those using the Zoning By Law of the Town of Manchester by the Sea, a few of these requirements are set forth below. However, nothing herein is intended to alter or vary the requirements of Chapter 40A, "The Zoning Act", provisions of which shall control in all instances.~~

- ~~1. A zoning change may be initiated by or submitted to the Board of Selectmen by a Selectman, the Zoning Board of Appeals, individuals owning land to be affected, ten registered voters, the Planning Board or a regional planning agency.~~
- ~~2. All zoning changes require approval of the Town Meeting by a two-thirds vote.~~
- ~~3. No proposed zoning by law or change unfavorably voted upon shall be considered by the Town Meeting within two years unless there is a favorable Planning Board recommendation.~~
- ~~4. No appeal, application or petition which has been unfavorably acted upon by the Zoning Board of Appeals can be reconsidered within two years without consent of the Planning Board.~~
- ~~5. Rights acquired under a variance shall lapse if they are not exercised within one year.~~
- ~~6. Decision on an appeal or variance must be made within 100 days of the date of filing. Failure to make a decision within 100 days shall be deemed to be a grant of the appeal or variance.~~
- ~~7. Decision on a special permit must be made within 90 days of the public hearing thereon. Failure to make a decision within 90 days shall be deemed to be a grant of the special permit.~~
- ~~8. A special permit shall lapse within two years (or such shorter period as is deemed appropriate by the Zoning Board of Appeals or the special permit granting authority) if substantial use thereof has not commenced within such period except for good cause or if construction has not begun except for good cause.~~
- ~~9. The Zoning Board of Appeals consists of five members. By reason of Chapter 40A, all decisions must receive four votes.~~

10. ~~The Board of Selectmen consists of five members. By reason of Chapter 40A, all decisions as special permit granting authority require a vote of at least four members.~~

~~———— INFORMATION RELATING TO~~

~~———— LAWS AND REGULATIONS GOVERNING LAND USE~~

~~———— Land use in the Town of Manchester by the Sea is subject to regulation under various Town By Laws and statutes of the Commonwealth. Included among these are the Zoning By Law of the Town of Manchester by the Sea adopted pursuant to Chapter 40A of the General Laws as amended by Chapter 808 of the Acts of 1975, "The Zoning Act" of the Commonwealth of Massachusetts, and the following:~~

~~———— BY LAWS OF THE TOWN OF MANCHESTER BY THE SEA as amended and set forth as Board of Selectmen's Rules and Regulations. Included are the Earth Removal By Law (Article XII), the Historic District By Law (Article XVI), the General Wetlands By Law (Article XVII), and By Laws regulating swimming pools, signs and advertising devices, snow guards, road openings, and billboards (Article X).~~

~~———— TOWN OF MANCHESTER BY THE SEA SUBDIVISION RULES AND REGULATIONS set forth the Planning Board's procedures and standards to be followed in the subdivision of land and the construction of ways pursuant to "The Subdivision Control Law," Chapter 41 of the General Laws.~~

~~———— STATE BUILDING CODE sets forth the regulations, administered by the Building Inspector, relative to the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of buildings and structures and use or occupancy thereof.~~

~~———— STATE ENVIRONMENTAL CODE Title 5 as amended sets forth the minimum standards for the protection of public health and the environment when circumstances require the use of individual systems for the disposal of sanitary sewage in areas where municipal sewage systems are not available.~~

~~———— "MINIMUM REQUIREMENTS FOR THE DISPOSAL OF SANITARY SEWAGE IN UNSEWERED AREAS" sets forth the Board of Health's local rules and regulations pertaining to the construction or installation of on-lot sewage disposal systems in areas not connected to the municipal sewers.~~

~~———— HISTORIC DISTRICTS sets forth the boundary description of the Historic District and the regulations administered by the Historic Districts Commission pertaining to the preservation and protection of buildings, places and districts of historic significance in such zones through the development and maintenance of appropriate settings. Maps of the District are available in Town Hall.~~

~~———— STATE WETLANDS PROTECTION ACT is administered by the Manchester Conservation Commission and provides for public review of proposed projects which involve construction or other alterations of land in or near wetlands or land deemed subject to periodic flooding.~~