

Information on the Manchester-by-the-Sea Zoning By-Law

Zoning By-Law

The Zoning Bylaw governs land use throughout the Town. It does this by establishing specific zoning districts, allowing certain uses in each district, setting dimensional rules for any development, and proscribing administrative procedures for the review and issuance of permits to allow construction. The Inspector of Buildings (Building Inspector) is the enforcement officer for all zoning matters.

The Town of Manchester-by-the-Sea voted major amendments to the Zoning By-Law at Town Meetings in 2021 and 2022. This provided the Town with the first comprehensive rewrite of the Zoning By-Laws since 1978. The Annual Town Meeting held in 1978 adopted a complete Zoning By-Law revision and new codification and organization

Most recently, amendments to the Zoning By-Law were approved by Town Meeting related to administrative matters as well as to comply with changes to State Law. The Massachusetts Legislature passed the Affordable Homes Act in August of 2024. This act requires communities to allow accessory dwelling units by right in any zoning district which allows single family homes. At Town Meeting held on April 28, 2025, Town Meeting approved a proposal to regulate accessory dwelling units within the limits of the State Law.

Additionally, Massachusetts General Law Section 40A Section 3A was changed to require that MBTA communities allow multi-family housing in their cities or towns. On November 12, 2024, Town Meeting approved zoning changes proposed by the Planning Board to comply with the Law.

Any editorial, typographical, and transcription errors do not invalidate the Zoning By-Law. If you find any errors or have any comments or suggestions concerning the Zoning By-Law, please contact the Land Use Department.

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.

Zoning Changes

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. Most zoning changes require approval of the Town Meeting by a two-third vote.

3. Changes to State Law have allowed some zoning changes to be passed by Town Meeting with a vote greater than fifty percent. Specifically, this applies to uses required by the MBTA Communities Act and the Affordable Homes Act.
4. No proposed zoning by-law or change unfavorably voted upon shall be considered by the Town Meeting within two years unless there had been a favorable Planning Board recommendation.

Planning Board

1. The Planning Board is an elected Board and consists of seven members. These members are Elected. The Board also has two associate members who are appointed jointly by the Planning Board and the Select Board for two-year terms.
2. The Planning Board reviews applications under the Subdivision Control Law. This includes Approval Not Required plans for a simple division of land into two or more lots on existing roadways and subdivisions.
3. The Planning Board also reviews commercial developments under Site Plan Review as well as certain Special Permit applications.
4. Planning Board decisions on Approval Not Required, Subdivision, Site Plan Review Applications only require a majority vote of the Board. Decision for Special Permits must receive five votes in favor for the application to be approved.

Zoning Board of Appeals

1. The Zoning Board of Appeals consists of five members and two associate members who are all appointed by the Select Board and serve three-year terms.
2. The Zoning Board of Appeals hears applications for Special Permits, Variances, and appeals of a decision of the Inspector of Buildings.
3. Decision on an appeal or variance must be made within 100 days of the date of filing. Failure of the Zoning Board to decide within 100 days shall be deemed to be a grant of the appeal or variance.
4. Decision on a special permit must be made within 90 days of the public hearing thereon. Failure of the Zoning Board to decide within 90 days shall be deemed to be a grant of the special permit.
5. Mass General Law Chapter 40A requires that all Zoning Board decisions must receive four votes in favor of the application to be approved.
6. A special permit shall lapse within three 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.
7. Rights acquired under a variance shall lapse if they are not exercised within one year.

Inspector of Buildings (Building Inspector)

1. The Inspector of Buildings (Building Inspector) is responsible for the interpretation and enforcement of the MBTS Zoning By-Law. Questions regarding specific uses should be directed to the Building Department.
2. The Inspector of Buildings reviews and issues all building permits.