

TOWN OF MANCHESTER-BY-THE-SEA  
ANNUAL TOWN MEETING MINUTES

## Introduction

The Annual Town Meeting of the Town of Manchester-by-the-Sea was called to order at 6:30 with 290 voters, well over the required quorum of 100. The final tally was 310 voters out of the 4,322 registered voters (14% turnout).

Moderator Wilson thanked the acapella group of the Manchester/Essex Regional High School, Soundwaves and Music Teacher Fiona Dooley for a wonderful pre-Town Meeting performance.

Moderator Wilson led the Meeting in the Pledge of Allegiance and read the Memorial Resolution which was moved, seconded and unanimously approved:

JOAN BRENNAN  
Council on Aging  
DAVID B. CROSBY  
Select Board, Harbor Advisory Committee  
Conservation Commission  
JACUQUELINE MURPHY DUFF  
School Teacher, School Committee  
JOSEPH G. HALLORAN  
Tucks Point Committee  
JOHN B. "DOC" HERRICK  
Fire Captain, Council on Aging Driver  
CAROLINE L. "LEE" HERTER  
Library Volunteer  
LOIS D. KIEFER  
Library Volunteer  
STARR HANFORD LLOYD, JR.  
Library Volunteer  
MARILYN L. MANOS  
School Cafeteria Worker  
ESTHER "SLIM" PROCTOR  
Library Volunteer  
CAROL A. ZOPPEL  
Library Staff

Moderator Wilson returned to the pre-COVID tradition of running the election for the ancient and honorary positions.

Jim Starkey was nominated and voted in as Poundkeeper.

Margaret Driscoll, Tom Kehoe & Holly Fabyan were nominated and voted in as Fence Viewers.

Charlotte Wilson and Wendy Dixon were nominated and voted in as Field Drivers.

Jeff Parker and John Kenney were nominated and voted in as Measurers of Lumber.

Gar Morse was nominated and voted in for Measurer of Wood and Bark.

Moderator Wilson thanked all Town staff and volunteers who helped to prepare and bring this meeting to fruition.

After the Meeting welcomed State Senator Bruce Tarr, reviewed the procedural points, and tested the electronic voting clickers, the Meeting moved to Article 1.

## ARTICLE 1

To see if the Town will vote to receive and place on file the reports of the Town boards and committees appearing in the Annual Report; or take any other action relative thereto.

Per petition of the Select Board

### Recommendation

The Select Board recommended approval and the Finance Committee took no position.

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**Motion**

Rebecca Jaques, Chair of the Select Board moved, and Ann Harrison, Vice-Chair of the Select Board seconded the article as presented in the Warrant.

**Discussion** - None

**Vote**

Article 1 was approved with a majority vote; 245 yes, 6 no, 11 abstentions.

**ARTICLE 2**

To see if the Town will vote to fix the 12-month fiscal year salary and compensation of all elective officers of the Town as provided in Section 108 of MGL Chapter 41, as amended, as follows; or take any other action relative thereto.

Moderator	\$0.00
Chairman, Selectmen	\$0.00
Other four Selectmen	\$0.00

Per petition of the Board of Selectmen

**Recommendation**

The Select Board recommended approval and the Finance Committee took no position.

**Motion**

Ann Harrison, Vice-Chair of the Select Board moved, and John Round of the Select Board seconded the article as presented in the Warrant.

**Discussion** - None

**Vote**

Article 2 was approved with a majority vote; 260 yes, 5 no, 8 abstentions.

**ARTICLE 3**

To see if the Town will vote to raise and appropriate or transfer from available funds \$245,081 as the Town's share of the Essex North Shore Agricultural and Technical School District; or take any other action relative thereto.

Per petition of the Select Board

**Recommendation**

The Select Board and the Finance Committee recommended approval.

**Motion**

John Round, Select Board member moved, and Brian Sollosy, Select Board member seconded to raise and appropriate \$245,081 as the Town's share of the FY24 operating budget of the Essex North Shore Agricultural and Technical School District.

**Discussion** - None

**Vote**

Article 3 was approved with a majority vote; 270 yes, 4 no, 9 abstentions.

**ARTICLE 4**

To see what sums of money the Town will raise by taxation or otherwise to pay Town debts and charges for the ensuing 12 months, effective July 1, 2023, and appropriate the same.

Per petition of the Select Board

**Recommendation**

The Select Board and the Finance Committee recommended approval.

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DEPARTMENTAL REQUESTS AND  
FINANCE COMMITTEE RECOMMENDATIONS

Item No.	Appropriations FY - 2023	Requests FY - 2024	Recommendations FY - 2024	Funding Sources
<b>GENERAL GOVERNMENT</b>				
33.50%				
<u><b>SELECTMEN'S DEPARTMENT</b></u>				
1 Salaries	319,232	326,434	326,434	TAXATION
2 Expenses	64,500	65,500	65,500	TAXATION
3 Audit	44,500	40,500	40,500	TAXATION
<u><b>INFORMATION TECHNOLOGY</b></u>				
4 Expenses	152,000	171,500	171,500	TAXATION
<u><b>FINANCE COMMITTEE</b></u>				
5 Salaries	3,800	3,800	3,800	TAXATION
6 Expenses	300	300	300	TAXATION
7 Reserve Fund	210,000	190,000	190,000	TAXATION
			OVERLAY SUR.	65,000
				125,000
<u><b>ELECTION &amp; REGISTRATION</b></u>				
8 Salaries	9,506	5,150	5,150	TAXATION
9 Expenses	18,000	22,550	22,550	TAXATION
<u><b>ACCOUNTING</b></u>				
10 Salaries	166,915	173,356	173,356	TAXATION
11 Expenses	4,700	4,700	4,700	TAXATION
<u><b>ASSESSORS</b></u>				
12 Salaries	129,279	132,511	132,511	TAXATION
13 Expenses	62,150	62,750	62,750	TAXATION
<u><b>TREASURER/COLLECTOR</b></u>				
14 Salaries	163,906	167,953	167,953	TAXATION
15 Expenses	31,925	32,225	32,225	TAXATION
<u><b>TOWN CLERK</b></u>				
16 Salaries	104,894	109,841	109,841	TAXATION
17 Expenses	7,555	7,545	7,545	TAXATION
<u><b>LEGAL/PROF. SERVICES</b></u>				
18 Expenses	95,000	110,000	110,000	TAXATION
<u><b>APPEALS BOARD</b></u>				
19 Salaries	8,320	8,528	8,528	TAXATION
20 Expenses	12,050	12,000	12,000	TAXATION
<u><b>PLANNING DEPARTMENT</b></u>				
21 Salaries	101,153	103,682	103,682	TAXATION
22 Expenses	6,600	6,600	6,600	TAXATION
<u><b>TOWN HALL &amp; COMMON</b></u>				
23 Expenses	38,200	39,400	39,400	TAXATION
<u><b>PENSIONS</b></u>				
24 Contributory	1,564,930	1,628,887	1,628,887	TAXATION
			SEWER RATES	1,479,624
			WATER RATES	85,011
				64,252

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**INSURANCE**

25 Group Health Insurance	1,329,000	1,471,720	1,471,720	TAXATION	1,322,623
				SEWER RATES	88,132
				WATER RATES	60,965
26 Workers' Compensation	95,000	100,000	100,000	TAXATION	79,000
				SEWER RATES	10,000
				WATER RATES	11,000
27 Fire/Auto/Liability	130,000	135,000	135,000	TAXATION	111,000
				SEWER RATES	12,000
				WATER RATES	12,000
28 Unemployment Compensation	7,000	7,000	7,000	TAXATION	
29 FICA-Medicare	103,515	118,796	118,796	TAXATION	110,490
				SEWER RATES	4,608
				WATER RATES	3,698
Total General Government	4,983,930	5,258,228	5,258,228	TAXATION	4,781,562
				OVERLAY SUR.	125,000
				SEWER RATES	199,751
				WATER RATES	151,915
					5,258,228

PUBLIC SAFETY  
26.05%

**POLICE**

30 Salaries	1,874,324	1,932,565	1,932,565	TAXATION	
31 Expenses	99,675	101,350	101,350	TAXATION	

**PARKING CLERK/RESIDENT PARKING**

32 Salaries	6,389	6,549	6,549	TAXATION	
33 Expenses	20,200	27,000	27,000	TAXATION	

**FIRE**

34 Salaries	1,431,714	1,502,525	1,502,525	TAXATION	
35 Expenses	145,100	173,550	173,550	TAXATION	

**HARBOR MASTER**

36 Salaries	186,359	191,017	191,017	MOORING FEES	
37 Expenses	26,610	26,610	26,610	MOORING FEES	217,627

**BUILDING DEPARTMENT**

38 Building Inspector	47,921	49,119	49,119	TAXATION	
39 Gas/Plumbing Inspector	14,150	14,504	14,504	TAXATION	
40 Sealer of Weights & Measures	3,000	3,000	3,000	TAXATION	
41 Electrical Inspector	14,150	14,504	14,504	TAXATION	
42 Inspector's Expenses	4,500	5,600	5,600	TAXATION	
43 Permit Software	29,316	18,160	18,160	TAXATION	

**EMERGENCY MANAGEMENT**

44 Expenses	1,000	750	750	TAXATION	
45 Emergency Notification	4,725	5,500	5,500	TAXATION	

**ANIMAL CONTROL**

46 Expenses	16,315	16,315	16,315	TAXATION	
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**Total Public Safety**

3,925,448	4,088,618	4,088,618	TAXATION	3,870,991
			MOORING FEES	217,627
				4,088,618

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PUBLIC WORKS 14.61%					
<b><u>DEPARTMENT OF PUBLIC WORKS</u></b>					
47 Salaries	917,355	919,659	919,659	TAXATION	875,955
				SEWER RATES	21,852
				WATER RATES	21,852
48 Expenses	340,900	349,400	349,400	TAXATION	
<b><u>FACILITIES</u></b>					
49 Salaries	35,337	42,968	42,968	TAXATION	
50 Expenses	105,500	108,100	108,100	TAXATION	
<b><u>SNOW REMOVAL</u></b>					
51 Salaries	32,000	32,000	32,000	TAXATION	
52 Expenses	170,000	128,000	128,000	TAXATION	
53 Street Lighting	60,000	60,000	60,000	TAXATION	
<b><u>SANITATION/COMPOSTING/RECYCLING</u></b>					
54 Salaries	15,000	5,000	5,000	TAXATION	
55 Expenses	43,500	43,500	43,500	TAXATION	
56 Rubbish Collection/Recycling	370,000	370,000	370,000	TAXATION	
57 Disposal	230,000	235,000	235,000	TAXATION	
Total Dept. of Public Works	2,319,592	2,293,627	2,293,627	TAXATION	2,249,923
				SEWER RATES	21,852
				WATER RATES	21,852
					2,293,627
<b><u>OTHER ENVIRONMENTAL</u></b> 0.51%					
<b><u>HISTORIC DISTRICT COMMISSION</u></b>					
58 Salaries	5,000	5,125	5,125	TAXATION	
59 Expenses	950	950	950	TAXATION	
<b><u>CONSERVATION COMMISSION</u></b>					
60 Salaries	67,845	69,531	69,531	TAXATION	64,531
				WETLANDS FD.	5,000
61 Expenses	2,800	2,900	2,900	TAXATION	
62 Chebacco Woods	1,250	1,250	1,250	TAXATION	
Total Other Environmental	77,845	79,756	79,756	TAXATION	74,756
				WETLANDS FD.	5,000
					79,756
<b><u>HUMAN SERVICES</u></b> 2.71%					
<b><u>HEALTH</u></b>					
63 Salaries	76,264	166,303	166,303	TAXATION	
64 Expenses	50,250	30,250	30,250	TAXATION	
<b><u>VETERANS' SERVICES</u></b>					
65 Expenses	15,000	17,250	17,250	TAXATION	
66 Veterans' Benefits	5,000	5,000	5,000	TAXATION	
<b><u>COUNCIL ON AGING</u></b>					
67 Salaries	180,669	186,148	186,148	TAXATION	
68 Expenses	18,810	20,480	20,480	TAXATION	
Total Human Services	345,993	425,431	425,431	TAXATION	425,431

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		LIBRARY 3.42%				
<u>LIBRARY</u>						
69 Salaries	367,823	377,518	377,518	TAXATION		
70 Expenses	156,606	160,012	160,012	TAXATION		
Total Culture and Informational Services	524,429	537,530	537,530	TAXATION		537,530
		RECREATION 2.7%				
<u>PARKS &amp; RECREATION</u>						
71 Salaries	152,722	156,704	156,704	TAXATION		106,704
				PROGRAM FEES		50,000
72 Expenses	8,334	8,200	8,200	TAXATION		
<u>SINGING BEACH OPERATIONS</u>						
73 Salaries	79,424	105,634	105,634	TAXATION		
74 Expenses	18,400	19,300	19,300	TAXATION		
<u>LIFEGUARDS</u>						
75 Salaries	64,893	86,308	86,308	TAXATION		
76 Expenses	3,500	3,500	3,500	TAXATION		
<u>TUCK'S POINT</u>						
77 Salaries	8,000	10,640	10,640	TAXATION		
78 Expenses	17,820	20,100	20,100	TAXATION		
<u>OTHER RECREATION</u>						
79 Memorial Day	3,000	4,000	4,000	TAXATION		
80 Fourth of July	10,000	10,000	10,000	TAXATION		
Total Recreation	366,093	424,386	424,386	TAXATION		374,386
				PROGRAM FEES		50,000
						424,386
		DEBT SERVICE 5.7%				
<u>DEBT SERVICE</u>						
Principal on Bonds	764,861	651,270	651,270			
Interest on Bonds	268,998	242,201	242,201			
WPAT Administration Fees	1,704	1,607	1,607			
81 Total Debt Service	1,035,563	895,078	895,078	TAXATION		742,537
				SEWER RATES		152,541
						895,078
		ENTERPRISE FUNDS 10.8%				
<u>SEWER FUND</u>						
82 Salaries	306,233	317,763	317,763	SEWER RATES		
83 Expenses	329,600	337,800	337,800	SEWER RATES		
<u>WATER FUND</u>						
84 Salaries	254,763	255,006	255,006	WATER RATES		
85 Distribution Expenses	142,000	135,500	135,500	WATER RATES		
86 Treatment Expenses	612,720	646,150	646,150	WATER RATES		
Total Enterprise Funds	1,645,316	1,692,219	1,692,219	SEWER RATES		655,563
				WATER RATES		1,036,656
						1,692,219
TOTAL ARTICLE 4	15,224,209	15,694,873	15,694,873			

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**EXPENSES BUDGET SUMMARY**

GENERAL GOVERNMENT	34%	4,983,930	5,258,228	5,258,228	TAXATION	4,781,562
					OVERLAY SUR.	125,000
					SEWER RATES	199,751
					WATER RATES	151,915
						<u>5,258,228</u>
PUBLIC SAFETY	26%	3,925,448	4,088,618	4,088,618	TAXATION	3,870,991
					MOORING FEES	217,627
						<u>4,088,618</u>
DEPARTMENT OF PUBLIC WORKS	15%	2,319,592	2,293,627	2,293,627	TAXATION	2,249,923
					SEWER RATES	21,852
					WATER RATES	21,852
						<u>2,293,627</u>
OTHER ENVIRONMENTAL	1%	77,845	79,756	79,756	TAXATION	74,756
					WETLANDS FD.	5,000
						<u>79,756</u>
HUMAN SERVICES	3%	345,993	425,431	425,431	TAXATION	<u>425,431</u>
LIBRARY	3%	524,429	537,530	537,530	TAXATION	<u>537,530</u>
PARKS & RECREATION	3%	366,093	424,386	424,386	TAXATION	374,386
					PROGRAM FEES	50,000
						<u>424,386</u>
DEBT SERVICE	6%	1,035,563	895,078	895,078	TAXATION	742,537
					SEWER RATES	152,541
						<u>895,078</u>
ENTERPRISE FUNDS	11%	1,645,316	1,692,219	1,692,219	SEWER RATES	655,563
					WATER RATES	1,036,656
						<u>1,692,219</u>
TOTALS	100%	15,224,209	15,694,873	15,694,873		<u>15,694,873</u>

FUNDING SOURCES SUMMARY	
TAXATION	13,057,116
OVERLAY SURPLUS	125,000
MOORING FEES	217,627
PROGRAM FEES	50,000
WETLANDS FD	5,000
SEWER RATES	1,029,707
WATER RATES	1,210,423
TOTAL	<u>15,694,873</u>

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**Motion**

Rebecca Jaques, Chair of the Select Board moved and Sarah Mellish, Chair of the Finance Committee seconded that the town raise by taxation or otherwise to pay Town debts and charges for the ensuing 12 months, effective July 1, 2023, and appropriate the same as presented in the “Expenses Budget Summary” section under the “recommended” and “funding sources” columns of the Finance Committee Report, page 28 & 29 under Article 4, provided however that, with prior approval of the Select Board and the Finance Committee, the Town Administrator is authorized to transfer unexpended funds within a summary category (for example, within General Government).

**Discussion**

Sarah Mellish, Chair of the Finance Committee explained that overall expenses are up 3%. The main drivers of this are increased staffing for the Police Department due to the loss of reserve officers as a result of Police Reform (however, the extra costs here are more than offset by the savings from moving dispatch to the regional center), added staffing to the Fire Department (2 more fire fighters), bringing the total to 16, a 33% increase over the past three years and funds to re-establish a call force, and paying for a full-time health agent which had previously been funded using federal ARPA funds.

There were “holds” placed on the following line items:

#37 Harbormaster expenses; Tim Gates, 2 Desmond Avenue proposed that the Town look into setting up some funding source to allow for a Harbormaster office and public restrooms at Reed Park.

#63 Health Salaries; Isabella Bates, 2 Masconomo Street questioned the doubling of the salaries in the Health Department. Town Administrator Greg Federspiel explained that the Town now has a full-time health agent. This position was paid for with ARPA funds in FY2023 but will need to be funded through our budget going forward.

#73 & 75 Singing Beach Salaries & Lifeguards Salaries; Donna Furse, 8 Blossom Lane questioned the increase in salary lines. Town Administrator Greg Federspiel explained that we did not increase the number of employees but the wages for our summer help to attract qualified candidates.

**Vote**

Article 4 was approved with a majority vote; 264 yes, 15 no, 5 abstentions.



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**ARTICLE 5**

To see if the Town will vote to raise and appropriate the sums of money called for under the following items, or any other sums, for the purposes indicated, and to determine whether the money shall be provided by taxation, by appropriation from available funds in the Treasury, or by borrowing; or take any other action relative thereto:

Per petition of the Select Board

**Recommendation**

The Select Board and the Finance Committee recommended approval.

Dept.	Item	Requested	Recommended	Funding Source
1. DPW	Road resurfacing	\$400,000	\$400,000	Fund Balance
2. DPW	DPW Facility Design work	\$350,000	\$ 0	
3. DPW	Drainage/Sidewalk Improvements	\$250,000	\$250,000	Fund Balance
4. DPW	Storm Damage Repair	\$ 25,000	\$ 25,000	Fund Balance
5. DPW	General Building Upgrades	\$ 50,000	\$ 50,000	Fund Balance
6. DPW	Seaside 1 HVAC	\$ 8,000	\$ 8,000	Fund Balance
7. Town Hall	Upgrades inc. IT	\$ 50,000	\$ 50,000	Fund Balance
8. Town Hall	Voting Booths and Tabulators	\$ 10,000	\$ 10,000	Fund Balance
9. Land Mgmt	Downtown/3a Planning Studies	\$ 37,500	\$ 37,500	Fund Balance
10. Land Mgmt	Water Resources Protection Studies	\$ 30,000	\$ 30,000	Fund Balance
11. Land Mgmt	Hist. District – National Registry Survey	\$ 15,000	\$ 15,000	Fund Balance
12. Library	Waterproofing and Generator	\$ 45,000	\$ 45,000	Fund Balance
13. Park/Rec	Chowder House/Restroom Roofs	\$ 35,000	\$ 35,000	Fund Balance
14. Park/Rec	Brook Str Turf Replacement	\$400,000	\$400,000	Fund Balance & Revolving Fund
15. COA	Van Replacements (matching grant)	\$ 25,000	\$ 25,000	Fund Balance
16. Public Safety	Fire Engine Replacement Fund	\$250,000	\$200,000	Fund Balance
17. Public Safety	Fire Gear Washer/Dryer/Racks	\$ 35,000	\$ 35,000	Fund Balance
18. Public Safety	Police Tasers	\$ 12,600	\$ 12,600	Fund Balance
19. Public Safety	Replacement Police Admin Vehicles (2)	\$ 88,200	\$ 88,200	Fund Balance
20. Public Safety	Fire Station repairs/upgrades	\$ 30,000	\$ 0	(in operating Budget)
21. Harbor	Dredging Engineering/Permitting	\$ 50,000	\$ 50,000	Waterway Fund
22. Harbor	Harbor Management Plan	\$100,000	\$100,000	Fund Balance & Waterway Fund
23. Water	Plant Upgrades/Equipment Replacement	\$200,000	\$200,000	Water Enterprise
24. Water	Pipe replacement/improvements	\$1,875,000	\$1,875,000	Water Enterprise Reta
25. Sewer	Plant Upgrades/Equipment Replacement	\$300,000	\$300,000	Earnings & Taxation Sewer Enterprise
<b>TOTAL</b>			<b>\$4,241,300</b>	

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**Motion**

Ann Harrison, Vice Chair of the Select Board moved, and Brian Sollosy, Select Board member seconded that the Town raise by taxation or otherwise to pay for the items listed and appropriate the same as presented in the “Recommended” and “Funding Source” columns of Article 5 as presented in the Warrant with the following modifications:

Item 14: \$300,000 from Fund Balance and \$100,000 from Park & Recreation Revolving Fund

Item 16: \$200,000 from Taxation

Item 19: \$ 88,200 from Taxation

Item 22: \$ 50,000 from Fund Balance and \$50,000 from Waterway Fund

Item 24: \$1,600,000 from Taxation, and \$275,000 from Water Enterprise Retained Earnings

**Discussion**

Ms. Harrison spoke about the disagreement on the funding sources for items #16 Fire Safety Replacement Fund and #19 Replacement Police Vehicles (2) between the majority of the Select Board and the Finance Committee. The majority of the Select Board would prefer to maintain the monies in the Fund Balance for future capital expenses and emergencies.

**Amendment**

Sarah Mellish, Chair of the Finance Committee moved to amend the main motion by funding Items 16 and 19 from Fund Balance instead of from Taxation. Andy Oldeman seconded.

**Discussion**

Ms. Mellish stated that the Finance Committee believed that the Reserve Fund would be robust even after these expenditures.

Residents Marty Flood, 31 Hickory Hill Road and Tom Kehoe, 20 Lincoln Street requested why the Select Board would prefer to tax residents and if there would be enough in reserves to cover these expenses. Ms. Harrison replied that the Town has been gradually increasing the amount of taxation being devoted to capital in order to make progress on a long list of capital needs and because of the amount of projects still in line they felt the Town should continue this practice.

A motion to move the question was heard and seconded. That vote passed by more than two-thirds (252 yes 29 no 8 abstentions)

Prior to the vote on the amendment Christina Delisio, 6 Lincoln Ave requested a clarification that a “yes” vote will result in a 2% tax rate increase and a “no” vote will impose a 3% tax rate increase. The Moderator confirmed that this was correct.

**Vote on the Amendment**

Passed by a majority vote of 251 yes, 39 no and 0 abstentions.

**Discussion on the rest of the Main Motion**

#2 DPW Facility Design work; Sandy Rogers, 82 Old Essex Road questioned the chart, and which amount they were voting on, recommended or requested. Town Moderator Alan Wilson clarified that in the motion it states the “recommended” amounts were being voted on.

#3 Drainage/Sidewalk Improvements.

**Amendment**

John Keefe, 8 Victoria Road moved to remove \$150K from Line Item #3 Drainage/Sidewalk Improvement and add it to line #4 Storm Damage Repair. The motion received a second.

**Discussion**

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The Town Administrator and DPW Director explained that if there was a large storm oftentimes there would be emergency aid to assist and that would also be the time to use the emergency funds and therefore they would not recommend this transfer of funds. Caitlin Eppes, 26 Proctor Street spoke against the amendment and appreciates the sidewalk improvements especially for her family.

**Vote on the Amendment**

Failed by a vote of 41 yes, 238 no, 6 abstentions.

#13 Chowder House/Restrooms Roofs; Judy Sabella, 15 Rosedale Street questioned whether the line item is the same one that is in the CPC Article 8. Town Administrator Greg Federspiel explained that this project is in two articles because the funding sources are to be shared between capital and CPC grants.

#14 Brook Street Turf Replacement.

**Amendment**

John Keefe, 8 Victoria Road moved to eliminate the funding for this project by reducing #14 from \$400,000 to 0. Motion was seconded.

**Discussion**

Mr. Keefe mentioned his concern for PFAS coming from the turfs.

Nathan Fanton, 10 University Lane questioned the safety and use of the fields currently and if it could be used as is.

Greg Federspiel, Town Administrator explained that the old materials would be removed and that the new materials must be certified to be PFAS free.

Avi Urbas, Director of Finance for the School District explained that the fields are safe but beyond their useful life. He also provided details on the proposed replacement of the artificial turf which includes a certificate from the contractor to not use any product with PFAS.

Residents in favor of this expenditure were John Harden of 54 School Street, Marty Flood of 31 Hickory Hill Road, Sarah Creighton of 37 Proctor Street and Matthew Harrington of 103 Old Essex Road.

**Vote on the Amendment**

Failed by a vote of 36 yes, 238 no, 8 abstentions.

#24 Pipe Replacement/Improvement; Mary Foley, 1 Pulaski Drive questioned the breakdown of monies between pipe work and efforts related to PFAS in our water supply. Chuck Dam, DPW Director, Greg Federspiel Town Administrator and Tom Kehoe of 6 Lincoln Ave explained that the plan is a bit up in the air due to the new EPA regulations that have just been proposed. While the original plan was to reline the main on Pleasant Street, there may be a need to do additional work along Pleasant Street depending on the solution we pursue for PFAS removal. Mr. Federspiel also noted that the Town is reaching out to Congressman Seth Moulton for help in securing possible grant funding to comply with these new regulations.

**Vote**

Article 5 as amended was approved with a majority vote; 268 yes, 9 no, 6 abstentions.

**ARTICLE 6**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Town's assessment from the District for the Gross Operating and Maintenance Budget of the Manchester-Essex Regional School District including debt service - said sum to be calculated solely in accordance with the "Agreement Between the Towns of Essex and Manchester-by-the-Sea,

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Massachusetts with Respect to the Formation of a Regional School District", as most recently amended, by invoking and approving the provision found in paragraph four of MGL c. 71, § 16B allowing District members "to reallocate the sum of their required local contributions to the District in accordance with the regional agreement", for the fiscal year beginning July first, two thousand twenty-three; or take any other action relative thereto.

Per petition of the Manchester-Essex Regional School Committee

**Recommendation**

The Select Board and Finance Committee recommended approval on all three motions.

**Motion #1**

Chris Reed of the Manchester Essex Regional School Committee moved and Matthew Harrington, also of the Manchester Essex Regional School Committee seconded that the town approve the assessment calculation in accordance with the "Agreement Between the Towns of Essex and Manchester-by-the-Sea, Massachusetts with Respect to the Formation of a Regional School District", by invoking and approving the provision found in paragraph four of G.L. c. 71, § 16B allowing District members "to reallocate the sum of their required local contributions to the district in accordance with the regional agreement", for the fiscal year beginning July first, two thousand twenty-three.

**Discussion** - None

**Vote**

Article 6, Motion 1 was approved with a majority vote; 258 yes, 8 no, 6 abstentions.

**Motion #2**

Chris Reed of the Manchester Essex Regional School Committee moved and Matthew Harrington, also of the Manchester Essex Regional School Committee seconded that the Town raise and appropriate \$16,535,944 to fund the Town's assessment from the Manchester Essex Regional School District for the fiscal year beginning July first, two thousand twenty-three for the gross operating and maintenance budget.

**Discussion**

Mr. Reed thanked the community for their support of the schools and described the academic successes of the schools. Mr. Reed explained that the 3.94% assessment is in part due to the discontinued use of the District's reserve funds for operating expenses.

**Vote**

Article 6, Motion 2 was approved with a majority vote; 224 yes, 28 no, 15 abstentions.

**Motion #3**

Chris Reed of the Manchester Essex Regional School Committee moved and Matthew Harrington, also of the Manchester Essex Regional School Committee seconded that the Town raise and appropriate \$2,787,440 to fund the Town's assessment from the Manchester Essex Regional School District to cover the long-term and short-term debt for the fiscal year beginning July first, two thousand twenty-three.

**Discussion** - None

**Vote**

Article 6, Motion 3 was approved with a majority vote; 227 yes, 26 no, 11 abstentions.

**ARTICLE 7**

To see if the Town will vote to approve the indebtedness authorized by the Regional District School Committee of the Manchester Essex Regional School District to pay costs of renovating and making extraordinary repairs and other improvements to the District's outdoor athletic facilities, and for the

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payment of all costs incidental and related thereto, or to take any other action relative in connection therewith.

Per petition of the Manchester-Essex Regional School Committee

**Recommendation**

The Finance Committee and Select Board recommended approval.

**Motion**

Chris Reed of the Manchester Essex Regional School Committee moves and Matthew Harrington, also of the Manchester Essex Regional School Committee seconds that the Town approves the \$1,600,000 indebtedness authorized by the Manchester Essex Regional School District to pay costs of renovating and making extraordinary repairs and other improvements to the District's outdoor athletic facilities, and for the payment of all costs incidental and related thereto, the Town's estimated share of the principal amount of such indebtedness, after the application of all presently anticipated contributions, is approximately \$796,740, provided however that such approval is contingent upon the Town's passage of a Proposition 2 ½ debt exclusion referendum question in accordance with the provisions of G.L. c.59, §21C(k), for its share of the indebtedness.

**Discussion**

Mr. Reed explained that the artificial turf at both the Middle/High school campus and Coach Field fields have surpassed their useful life and need to be replaced. The Regional School Committee voted to fund this through borrowing. The cost of this new debt service will be less than the reduction in debt service on the bond issued to build the Middle/High School.

Moderator Wilson explained that under the Manchester-Essex Regional School Agreement, approval of the borrowing at town meeting requires a 2/3 vote. The motion is contingent on approval of a debt exclusion under Proposition 2 ½; that will require a simple majority vote at the town election.

James Brady, 10 Lincoln Avenue, Phil Furse, 8 Blossom Lane and Ana Lin Mitchell 2 Brice Street preferred that the School District use their reserves to pay for the turf replacement project rather than borrow the needed funds. Avi Urbas, Director of Finance & Operations for the School District, replied stating that the District prefers to follow financial responsibility and maintain a certain amount of reserves. Mr. Urbas also mentioned that the District is looking ahead to a possible elementary school building project in Essex in the next few years and reserves will be needed. Pam Beaudoin, District Superintendent added that because Essex may not approve the proposed operating budget, the reserves may be needed to fund operations despite the District's desire not to continue this unsustainable practice.

After some discussion on what will occur in Essex, Eli Boling, 99 Pleasant Street stated that he supports this financial plan because drawing on reserves is never a good idea.

Sarah Creighton, 37 Proctor Street moved the question. It was seconded and passed by more than two-thirds, with 349 yes, 15 no, 2 abstentions.

**Vote**

Article 7 was approved with more than a two-thirds vote; 211 yes, 49 no, 3 abstentions.

**ARTICLE 8**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2024 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2024; and further to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, including land for recreational space,

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historic resources, and community housing purposes, as well as a sum of money to be placed in the 2024 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee as follows; or take any other action relative thereto.

1. Community Preservation Committee Expenses (studies, etc.)	(administrative)	\$ 25,000*
2. Trail maps, brochures and digital app	(open space & recreation)	\$ 4,000
3. New Roof for Chowder House and Restrooms, Tuck's Point	(open space & recreation)	\$ 40,000
4. Signs at Coach Field and Sweeney Park	(open space & recreation)	\$ 12,000
5. Picnic Tables at Tuck's Point	(open space & recreation)	\$ 12,000
6. Sound Mitigation for Pickleball Courts	(open space & recreation)	\$ 20,000
7. Lifeguard Chair	(open space & recreation)	\$ 2,100
8. Affordable Housing Trust Project Funding	(community housing)	\$ 200,000
9. Restoration of Town Cemeteries	(historic preservation)	\$ 65,000
10. Library Floodproofing and Generator	(historic preservation)	\$ 45,000
11. Seaside 1 HVAC	(historic preservation)	\$ 8,000
12. Historic Origin of "Masconomo" Sign	(historic preservation)	\$ 3,500
TOTAL		\$ 436,600

(\*Administrative amount limited to a maximum of 5% of total annual revenue)

Per petition of the Select Board and the Community Preservation Comm.

**Recommendation**

The Finance Committee and Select Board recommended approval.

**Motion**

Jack Burke of the Community Preservation Committee moves, and Catherine Bilotta, Select Board member seconds the article as presented in the Warrant with the following clarifications:

Items 1, 3, 8, 10, and 11 to be funded from FY2024 CP estimated receipts for the purposes stated,

Item 2 to be funded taking \$45 from FY2024 CP estimated receipts and \$3,955 from the FY2023 CP Open Space & Recreation fund balance for the purpose stated,

Items 4, 5, 6, 7 and 12 to be funded from the FY2023 CP undesignated Fund Balance for the purposes state, and

Item 9 to be funded taking \$25,000 from the FY2024 CP estimated receipts and \$40,000 from the FY2023 CP undesignated Fund Balance for the purpose state.

**Discussion** - None

**Vote**

Article 8 was approved with a majority vote; 201 yes, 17 no, 3 abstentions.

**ARTICLE 9**

To see if the Town will vote to raise and appropriate or transfer from available funds \$289,300 to be deposited into the Town's Other Post Employment Benefits Trust Fund, subject to said appropriation being expended from the Trust Fund only for the purposes authorized by section 20 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts; or take any other action relative thereto. Per petition of the Board of Selectmen

**Recommendation**

The Finance Committee and Select Board recommended approval.

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**Motion**

Brian Sollosy, Select Board member moved, and Rebecca Jaques, Chair of the Select Board seconded that the Town raise and appropriate \$289,300 to be deposited into the Town's Other Post Employment Benefits Trust Fund subject to said appropriation being expended from the Trust Fund only for the purposes authorized by section 20 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts.

**Discussion** - None

**Vote**

Article 9 was approved with a majority vote; 203 yes, 10 no, 8 abstentions

**ARTICLE 10**

To see if the Town will vote to amend the General By-laws of the Town by adding to Article IV, Section 11 a new revolving fund pursuant to MGL Chapter 44, Section 53E ½ for the Board of Health/Health Department for expenses, supplies, and contractual services necessary for the operation of emergency dispensing sites and clinics, including medical and non-medical/ancillary personnel. The table in Article IV, Section 11 is proposed to be amended as follows (new language shown in bold):

Program or Purpose	Representative of Board Authorized to Spend	Department Receipts
Costs Associated with Town of Manchester Recreation Programs	Recreation Director	Registration Fees or other funds intended to support the programs offered by the Recreation Department
Costs Associated with the operation and supplies necessary for the operation of emergency dispensing sites and clinics	Health Director/Agent and Public Health Nurse	Insurance and other reimbursements for vaccination clinics or other emergency dispensing sites

and to set the Fiscal Year 2024 spending limitations on expenditures from the revolving fund at \$50,000; or take any other action relative thereto.

Per petition of the Select Board and the Board of Health

**Recommendation**

The Finance Committee and Select Board recommended approval.

**Motion**

Catherine Bilotta, Select Board member moved, and Peter Colarusso, Co-Chair of the Board of Health seconded the article as presented in the Warrant.

**Discussion**

Wendy Hansbury, the Health Agent explained that the Board of Health will use the proposed vaccine revolving fund to support annual and emergency immunization financing distinct from the department's budget.

**Vote**

Article 10 was approved with a majority vote; 191 yes, 22 no, 4 abstentions.

**ARTICLE 11**

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To see if the Town will vote, pursuant to the provisions of MGL c.44, §53E½ to set the following Fiscal Year 2024 spending limitations on expenditures from the revolving fund(s) set forth in the Town's Revolving Fund By-law, Article IV, Section 11 of the General By-laws:

Program or Purpose: Costs Associated with Town of Manchester-by-the-Sea Recreation Programs; FY2024 spending limit: \$375,000.

Or take any other action relative thereto.

Per petition of the Select Board

**Recommendation**

The Finance Committee and Select Board recommended approval.

**Motion**

Ann Harrison, Vice-Chair of the Select Board moved, and John Round, Select Board member seconded the article as presented in the Warrant.

**Discussion** - None

**Vote**

Article 11 was approved with a majority vote; 200 yes, 115 no, 3 abstentions.

**ARTICLE 12**

To see if the Town will vote to adopt the provisions of MGL Chapter 41, Section 110A allowing for Town offices to be closed on Saturdays, and the provisions of MGL Chapter 4, Section 9 shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday; or take any other action relative thereto.

Per the petition of the Select Board

**Recommendation**

The Finance Committee took no position. The Select Board recommended approval.

**Motion**

John Round, Select Board member moved, and Brian Sollosy, Select Board member seconded the article as presented in the Warrant.

**Discussion**

Mr. Round explained that this is a local option offered by the State that allows a Town Hall to remain closed on Saturdays despite certain state deadlines such as voter registration that might fall on a Saturday. With on-line registration, there is no need to have the Town Hall open on that day.

**Vote**

Article 12 was approved with a majority vote; 197 yes, 14 no, 5 abstentions

**ARTICLE 13**

To see if the Town will vote to rescind MGL Chapter 90, Section 20A establishing parking fines at \$25.00 and adopt MGL Chapter 90, Section 20A ½ establishing parking fines at \$50.00 or as otherwise stated in Section 20A ½; or take any other action relative thereto.

Per the petition of the Select Board

**Recommendation**

The Finance Committee and the Select Board recommended approval.

**Motion**

Brian Sollosy, Select Board member moved, and Catherine Bilotta, Select Board member seconded the article as presented in the Warrant.

**Discussion**

Mr. Sollosy explained that the increase in fine may help the Town increase turnover on street parking.



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Wendy Dixon, 295 Summer Street was concerned because it may adversely affect tourism.  
Eli Boling, 99 Pleasant Street questioned whether the police can double ticket and if they already do that.

Police Chief Todd Fitzgerald said that they can double ticket and they do.

**Vote**

Article 13 was approved with a majority vote; 140 yes, 70 no, 4 abstentions.

**ARTICLE 14**

To see if the Town will vote to adopt the provisions of MGL Chapter 148, Section 26I establishing the requirement the any building constructed or substantially renovated to constitute the equivalent of new construction, and is occupied in whole or in part for residential purposes and contains four or more dwelling units including lodging houses, boarding houses, fraternity houses, dormitories, apartments, town houses, condominiums, hotels, motels or group residences, shall be equipped with an approved automatic sprinkler system; or take any other action related thereto.

Per the petition of the Select Board

**Recommendation**

The Finance Committee took no position and the Select Board recommended approval.

**Motion**

Ann Harrison, Vice-Chair of the Select Board moved, and Catherine Bilotta, Select Board member seconded the article as presented in the Warrant.

**Discussion**

Ms. Harrison explained that because a sprinkler system is the most effective way to maintain fire safety, Fire Chief Jason Cleary requested that we bring this article to the voters.

Mary Foley, 1 Pulaski Drive voiced concerns about the language of “dwelling unit” and asked that the Meeting postpone this vote until we get more clarity.

Town Counsel explained that this language recites the statutory language.

**Vote**

Article 14 was approved with a majority vote; 159 yes, 49 no, 6 abstentions.

**ARTICLE 15**

To see if the Town will vote to grant the Select Board authority to research, develop, and participate in a contract or contracts, to aggregate the electricity load of the residents and businesses in the Town and other related services, independently, or in joint action with other municipalities, retaining the right of individuals and businesses to opt-out of the aggregation; or take any other action relative thereto.

Per the petition of the Select Board

**Recommendation**

The Finance Committee and Select Board recommended approval.

**Motion**

Catherine Bilotta, Select Board member moved, and Rebecca Jaques, Chair of the Select Board seconded the article as presented in the Warrant.

**Discussion**

Ms. Bilotta explained that many towns have adopted aggregation and achieved lower rates as well as renewable supply options by doing so. She emphasized that any resident who chose to do so would be able to opt out of the program.

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Isabella Bates, 2 Masconomo Street, Alida Bryant, 57 Old Essex Road and Laura Tenny, 86 Pine Street both spoke in favor of the motion.

Mary Foley, 1 Pulaski Drive asked that the Meeting vote no because it gives too much authority to the Select Board without any data.

**Vote**

Article 15 was approved with a majority vote; 186 yes, 26 no, 2 abstentions.

**ARTICLE 16**

To see if the Town will vote to accept the provisions of MGL c. 40, §42G-I and MGL c 40, §42K allowing for the levy of special assessments to meet the whole or part of the cost incurred of laying water pipes for the conveyance or distribution of water and allowing such assessments of water betterments through the so-called “uniform unit method”; or take any other action relative thereto.

Per the petition of the Select Board

**Recommendation**

The Finance Committee and Select Board recommended approval.

**Motion**

Ann Harrison, Vice-Chair of the Select Board moved, and Brian Sollosy, Select Board member seconded the article as presented in the Warrant.

**Discussion**

Ms. Harrison explained that by approving this article it would be possible for residents along a road without town water lines to seek approval for the Town to install a public water line and the residents would reimburse the Town through betterments placed on their property taxes.

Ms. Harrison explained that the Town already allows funding of extending sewer lines through betterments; this proposal would provide consistency for water lines.

Sandy Rogers, 82 Old Essex Road, asked whether 100% of the cost would be paid by residents served by the new water line or whether the Town would pay some of the cost. Town Administrator Federspiel replied that the Select Board’s practice (acting in their capacity as Sewer Commissioners) had always required that residents pay the full cost. The use of any town funds would first have to be approved by the voters at a town meeting.

**Vote**

Article 16 was approved with a majority vote; 195 yes, 11 no, 4 abstentions.

**ARTICLE 17**

To see if the Town will vote to amend the Zoning By-laws, by adding a new Section 8.6 Adult Entertainment to provide regulations of such establishments by special permit of the Planning Board; or take any other action relative thereto.

The full text of the proposed changes is as follows:

**8.6 Adult Entertainment Establishments**

8.6.1 Purpose and Intent: It is the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Manchester by the Sea in accordance with MGL chapter 272, Section 31 and MGL chapter 40A, Section 9A.; and, it is the intent to promote the health, safety and general welfare of the citizens of Manchester by the Sea; and it is the intent of this section that these provisions be utilized to prevent the problems of blight, deterioration and/or secondary impacts (increased crime, adverse impacts on

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health, adverse impacts on business climate of the Town, adverse impacts of property values of residential and commercial properties, and adverse impacts on the quality of life in the Town) which typically accompany and are brought about by the concentration of sexually oriented businesses. All of said secondary impacts are adverse to the health, safety and general welfare of the Town and its residents.

Furthermore, the provisions of this By-law have neither the purpose or 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 and 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.

MGL Chapter 272, Section 31 and MGL Chapter 40A, Section 9A allow a municipality to issue and control special permits for adult bookstores, adult motion pictures theaters, adult paraphernalia stores, adult video stores or establishments which display live nudity.

8.6.2 Definitions: Definitions for this Section shall be as defined in MGL. Chapter 40A, Section 9A and in MGL Chapter 272, Section 31.

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

Adult Entertainment Establishments shall be allowed in the Limited Commercial District as a Special Permit only, provided that the following locational standards, site appearance criteria and other conditions are complied with:

8.6.3.1 No structure containing an Adult Entertainment Establishment shall be permitted within any of Manchester by the Sea's School Zones, 1,000 ft. of the property line of a church or place of worship, parish house or convent, a public, parochial or private school, another structure containing an adult use, a structure proposed to contain an adult use for which a building permit has been applied for, or 400' of a residence or child day care facility. The measure of distance between any Adult Entertainment Establishment and other named point of reference shall be measured in a straight line.

8.6.3.2 No sexually explicit material or advertising shall be visible from outside the building.

8.6.3.3 No private viewing rooms or booths shall be constructed unless one side is always open to a public central area.

8.6.3.4 No one under the age of eighteen (18) shall be permitted inside such a use and a procedure shall be developed to keep those under eighteen (18) from entering the building.

8.6.3.5 Adult Entertainment Establishments which have been established at their existing locations prior to the effective date of this By-Law and which are not in conformity with the requirements of

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this By-law, may continue to operate until one year after the effective date of this By-law. Thereafter, unless any such Adult Entertainment Establishment conforms to the provisions of this By-Law, it shall no longer be permitted to operate.

8.6.3.6 Said Board shall prohibit the issuance of such special permits to any person convicted of violating the provisions of MGL section sixty-three of chapter one hundred and nineteen or MGL section twenty-eight of chapter two hundred and seventy-two.

**8.6.4. Restrictions on Other Retail Uses.**

For those retail uses permitted by right in the General and Limited Commercial Districts which sell sexually explicit goods and paraphernalia but do not meet the 25% thresholds outlined in Section 8.6.2, such goods and paraphernalia shall be located either behind a counter, or in a separate room or enclosure where citizens under the age of 18 are not allowed to enter. Such sexually explicit goods and paraphernalia must be located so that the materials in question are not within view of minors or readily visible to children.

8.6.5 The measure of distance between any adult use and other named point of reference shall be measured in a straight line.

8.6.6 Once established in a permitted location under this Ordinance, an adult use operating as a conforming use is not rendered a non-conforming use by the subsequent location of:

- A. A church or place of worship, parish house or convent within 1,000 ft.
- B. A residence or child day care facility within 400 ft.
- C. A public, parochial, or private school within 1,000 ft. or the designation of a School Zone within 1,000 ft.

8.6.7 Violation of the use provisions of this ordinance is declared to be a public nuisance per se, which shall be abated by the Town by way of civil abatement procedures.

8.6.8 Nothing in this Ordinance is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building or use which violates any Town of Manchester by the Sea bylaw or the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

8.6.9 If any section, subsection, sentence, clause, phrase, or any portion of this Bylaw is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Per Petition of the Select board and Planning Board

**Recommendation**

The Finance Committee took no position and the Select and Planning Boards recommended approval.

**Motion**

Susan Philbrick of the Planning Board moved, and Ron Mastrogiacomo, Chair of the Planning Board seconded the article as presented in the Warrant.

**Discussion**

Moderator Wilson explained that the Planning Board did hold the statutory public hearing on February 27, 2023, and recommended approval. He also noted that amending the Zoning By-law requires a 2/3 majority under the Zoning Enabling Act, M.G.L. Ch. 40A, §5.

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Ms. Philbrick explained that this is a new bylaw that is proactive to protect our Town from a potential adult entertainment application. Presently, the Town does not have any recourse if an application did come.

**Amendment**

John Keefe, 8 Victoria Road moved to amend the bylaw by changing the 400-foot distance from a residence or child day care facility in sections 8.6.6B and 8.6.3.1 to 1,000 feet. The amendment was seconded.

**Discussion**

Town Counsel was unsure of whether the Attorney General would accept that change and if they did, would it affect the complete bylaw or just those sections.

Moderator Wilson explained that while the main motion would require approval by a 2/3 vote, the amendment needed only a simple majority for adoption.

**Vote on the Amendment**

Moderator Wilson stated that the amendment prevailed by majority vote, 129 to 63, 6 abstentions.

**Vote**

Moderator Wilson declared that the main motion as amended prevailed by more than a two-thirds vote, 192 yes, 8 no, 1 abstention.

**ARTICLE 18**

To see if the Town will modify the Zoning Bylaws by amending section 9.1.2: Accessory Dwelling Units in Single Residences Districts A, B, C, and E of the Zoning By-Laws as follows; or take any other action relative thereto:

Deleting Section 9.1.2.2 (a) "Except in Single Residential District E, the lot size shall be two (2) times the minimum lot size as determined by zoning regulations" and replacing it with a new Section 9.1.2.2 (a) as follows: Except in Single Residential District E, the lot size shall meet the minimum lot size requirement within the zoning regulations for the district."

Amending 9.1.2.2 (b) by deleting "the single family dwelling shall have existed on the lot as of March 1, 1984" and replacing it with "The single family dwelling shall have existed on the lot with an occupancy permit for five (5) or more years.

Adding to Section 9.1.2.2 (d) a second sentence. The new sentence reads as follows: "The second unit shall be subject to a lease of at least twelve (12) months in duration, pursuant to applicable regulations."

Thus, the amended section 9.1.2 is proposed to be as follows with the new wording in bold:

9.1.2 Accessory Dwelling Units in Single Residence Districts A, B, C, and E:

9.1.2.1 An owner or owners of a single-family dwelling in Single Residence Districts A, B, C, and E may apply to the Board of Appeals for a Special Permit for the construction of one accessory dwelling unit in such single family dwelling.

9.1.2.2 After notice and public hearing the Board of Appeals may grant such a permit provided that:

(a) Except in Single Residential District E, the lots size shall meet the minimum lot size requirement within the zoning regulations for the district.

(b) The single-family dwelling shall have existed on the lot with an occupancy permit for five (5) or more years.

(c) Off-street parking for at least four (4) vehicles shall be provided in a manner consistent with the character of a single-family dwelling.

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(d) Either the accessory dwelling unit or the main dwelling shall be occupied by the owner of the property except for temporary absences of up to one year. The second unit shall be subject to a lease of at least twelve (12) months in duration, pursuant to applicable regulations.

(e) The construction and occupancy of the accessory dwelling unit will not be detrimental to the neighborhood or injurious to persons or property.

(f) The accessory dwelling unit is accessory to the principal residence. The floor area of the accessory dwelling unit will not exceed 35% of the floor area of the principal dwelling and the accessory dwelling unit combined.

(g) No exterior changes shall be made which alter the single-family character of the dwelling. Any additions made shall not increase the floor area or volume by more than 10% and shall meet all applicable setback requirements.

(h) Adequate provisions shall be made for the disposal of sewage, waste and drainage caused by the occupancy of such dwelling unit.

(i) There is no other accessory dwelling unit in the dwelling.

(Continued as currently in the bylaw . . .)

Per Petition of the Select board and Planning Board

**Recommendation**

The Finance Committee took no position.

The Select and Planning Boards recommended to pass over.

**Motion**

Chris Olney moved to pass over and take no action on Articles 18 & 19 and Ron Mastrogiacomo seconded.

**Discussion**

Mr. Olney explained that the Planning Board did not have enough time to prepare these bylaws due to the timing of the receipt of the Attorney General approvals for the bylaws passed in November of 2022.

**Vote**

Moderator Wilson declared a unanimous vote with a voice vote.

**ARTICLE 19**

To see if the Town will vote to amend the Zoning By-laws, by adding a new Section 9.3. Senior Housing to provide regulations that allow, by special permit, the development and use of alternative housing and nursing care for seniors and to create health care, housing and other supportive services for the senior populations in all Districts and amending the Table 4.2 Table of Use Regulations to add Senior Housing by Special Permit of the Planning Board in all Districts, or take any other action relative thereto.

The full text of the proposed changes is as follows:

Adding a row to Table 4.2 Manchester-by-the-Sea Table of Allowed Uses in subsection A, 7. to indicate Senior Housing, subject to footnote 16, as an allowed use by special permit by the Planning Board (PB) in Single Residence Districts A, B, C, and E and Residence Districts D1 and D2, General District and Limited Commercial District, consistent with the following example, with the new row in bold

Districts

Use

Residential

A	B	C	D1	D2	E	G	LCD(1)
---	---	---	----	----	---	---	--------

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7. Senior Housing (16)            PB    PB    PB    PB    PB    PB    PB    PB

2. Adding a new footnote in the Notes to Table section of Table 4.2 reading as follows in bold:  
Note 16. See Section 9.4 for requirements.”

3. 9.4 SENIOR HOUSING

9.4.1 Purpose. The objectives of this Section are to achieve the following public purposes:

1. To provide for the development and use of alternative housing and nursing care for seniors.
2. To create home health care, housing and other supportive services for the senior population outside of an institutional setting.
3. To provide housing which is less costly.
4. To provide such accommodations in a manner harmonious with the surrounding land uses while protecting community character, natural resources and open space.

9.4.2 Definitions. See Section 2, “Senior Housing.” (already in the bylaw)

9.4.3 Applicability. The Planning Board may grant a special permit for Senior Housing as defined in Section 2 and as set forth in the Table of Allowed Uses, subject to the requirements of this Section.

1. This Section shall not apply to Senior Housing existing on the date of adoption of this Section.
2. An Independent Living Facility as defined in Section 2 located in the Limited Commercial District must be part of a larger complex of Senior Housing (as defined in Section 2) and senior-oriented facilities which may include assisted living, long-term care, nursing, and adult day care programs.
3. Each dwelling unit shall be deed restricted to be occupied by at least one person over the age of 55. All other residents shall be over the age of 18.

9.4.4 Dimensional Requirements and Design Standards. Dimensional requirements and design standards shall be as follows:

1. Minimum Lot Size. The minimum lot size (square feet) shall be that required in the District.
2. Building Height. Any addition or new construction shall not exceed the height restrictions of the District. This shall not preclude the reuse and renovation of existing structures which may exceed this height limit.
3. Building Coverage. The maximum building coverage, including accessory buildings, shall conform to the requirements for new construction or expansion of existing structures in that District.
4. Building Setbacks. Buildings shall have the setbacks required in the District.
5. Setback from Residential Dwellings. All new buildings associated with the Senior Housing Facility shall be no closer than 50 feet from existing residential dwellings; however, with respect to accessory structures not greater than 300 square feet, the Planning Board, in its discretion, may reduce said setback by an amount up to but not greater than 30 feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling.
6. Minimum Lot Frontage. The minimum lot frontage shall conform to the requirements of the district where such use is located.
7. Design Standards. In addition to the listed requirements the following shall be required:
  - a. Senior Housing shall be limited to no more than two (2) bedrooms per living unit.
  - b. At least one bedroom and bathroom shall be located on the same floor as the kitchen and living/family room.
  - c. Maximum area shall be 1,200 net square feet for a 2-bedroom unit; 900 net square feet for a one-bedroom unit; and 600 net square feet for a studio unit.

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d. All units shall be American with Disabilities (ADA) compliant, in accordance with the laws of the Commonwealth of Massachusetts.

8. Town Services. Where available, facilities shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

9. Transportation Services. The operator of the facility shall be encouraged to provide or arrange for transportation to town services and facilities.

10. Common Open Space: In the Residence Districts, there shall be an area of contiguous common open space accessible to all residents equal to at least 20% of the lot area. Land set aside for sewage treatment facilities, roadways, driveways, parking areas or wetlands may not be included in the calculation of open space. The Planning Board, in its discretion, may increase this requirement.

11. Parking. The minimum number of parking spaces required in Section 6 may be altered by Special Permit.

12. Access and On-site Circulation. Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.

13. Public Safety. The facility shall have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments. The Planning Board shall consult with the Fire Chief and Chief of Police in its review.

14. Landscaping. Landscaping and screening are required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. The minimum setback from all property lines of such parking areas, dumpster locations, and loading areas, except for their points of ingress and egress, shall be 15 feet.

15. Conversion of Existing Structures. Applicants are encouraged to convert existing buildings that are no longer needed or suitable for their original use to senior housing facilities. The Planning Board shall consider such conversions if they are compatible with the character of the neighborhood, and which take into consideration the interests of abutters, neighbors and the public, especially where the site abuts a residential area or the building(s) merit preservation. Any non-conformity must be referred to the Board of Appeals for consideration under Section 7 of this Zoning Bylaw.

9.4.5 Accessory Uses. At the sole discretion of the Planning Board during the special permit application, the operator of the Senior Housing Facility may also be permitted to provide optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the Senior Housing Facility and the accessory uses shall be wholly within a residential structure and shall have no exterior advertising display. A Senior Housing Facility may also provide adult social day care to nonresident participants as an accessory use.

9.4.6 Special Permit Procedure. The procedure for the granting of a special permit under this Section shall be governed by the relevant sections of this By-laws.”

Per Petition of the Select board and Planning Board

**Recommendation**



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The Finance Committee took no position.

The Select and Planning Boards recommended to pass over.

**Vote**

See Article 18, above.

**ARTICLE 20**

To see what sum of money the Town will vote to appropriate or transfer from available funds for the purpose of reducing the tax rate; or take any other action relative thereto.

Per petition of the Board of Selectmen

**Recommendation**

The Finance Committee and Select Board both recommended passing over this article.

**Motion**

**Motion**

Becky Jaques moved to pass over, and Sarah Mellish seconded.

**Discussion** - None

**Vote**

A voice vote was taken, and Moderator Wilson declared a unanimous vote.

**Dissolution**

Becky Jaques moved, and Ann Harrison seconded to dissolve the Meeting.

Voice vote was unanimous, and Moderator Wilson declared the Meeting dissolved at 9:55pm. He thanked everyone for coming.