

ANNUAL TOWN MEETING MINUTES

Town of Manchester-by-the-Sea
April 28, 2025, 6:30pm
Memorial Elementary School
43 Lincoln Street, Manchester, MA 01944

The Annual Town Meeting of the Town of Manchester-by-the-Sea was called to order at 6:30 with 180 voters, over the required quorum of 100. The final tally was 35 non-voters and 440 voters out of the 4,358 registered voters.

Moderator Wilson thanked the acapella group of the Manchester/Essex Regional High School, Soundwaves and their Music Teacher for their 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:

Whereas the citizens of Manchester-by-the-Sea note with profound regret the deaths of several of their friends and neighbors during the past year and seek to recognize and acknowledge their varied contributions to the Town's commonwealth and welfare, and our mutual sense of sense of community.

We citizens hereby salute the departed, acknowledge our common indebtedness to them, extend the sympathy of the Town to their intimates and survivors, and declare that this resolution be entered in the Town archives, and a true copy be sent to the appropriate survivors.

The persons memorialized and their achievements are proclaimed in the order of the dates of their deaths:

Catherine Allard

Sandra Lee Gillis

Ronald Mastrogiacomo

Bruce McDonald

Atley Lucas Somolchuk

Moderator Wilson then asked that those who can rise and observe a moment of silence in memory of these former town citizens who died in 2024 after many years of service.

Moderator Wilson held the traditional election for the ancient and honorary positions.

Poundkeeper: Jonathan Jacques

Fence Viewers: Alfred Rossi and Jack Ryan

Field Drivers: Robert Willwerth and Michael Kulick

Measurer of Lumber: Brian Parker

Measurer of Wood and Bark: Jody Morse

Moderator Wilson thanked all Town staff and volunteers who helped to prepare for the meeting.

Select Board Chair Ann Harrison, Michele Randazzo of KP Law, and Senator Bruce Tarr recognized Alan Wilson's 30 years as Town Moderator.

Moderator Wilson reviewed the procedural points and tested the electronic voting system. 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. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Catherine Bilotta moved and John Round seconded the article as presented.

DISCUSSION

None

VOTE

The vote was 276 yes, 5 no. The motion under Article 1 prevailed by a majority.

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. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Ann Harrison moved and Jeffrey Delaney seconded the article as presented.

DISCUSSION

None

VOTE

The vote was 335 yes, 8 no. The motion under Article 2 prevailed by a majority.

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds \$176,418 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. The Finance Committee recommends approval. The Select Board recommends approval.

MOTION

Jeffrey Delaney moved and Brian Sollosy seconded that the Town raise and appropriate \$176,418 and that it be funded by taxation, for the purpose of funding the Town's share of the Essex North Shore Agricultural and technical School District.

DISCUSSION

None

VOTE

The vote was 346 yes, 12 no. The motion under Article 3 prevailed by a majority.

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, 2025, and appropriate the same.

Per petition of the Select Board. The Finance Committee recommends approval. The Select Board recommends approval.

MOTION

Ann Harrison moved and Sarah Mellish seconded that the Town raise by taxation or otherwise to pay Town debts and charges for the ensuing 12 months, effective July 1, 2025, and appropriate the same, the amounts presented in the "Expenses Budget Summary" section under the "recommended" and "funding sources" columns of the Finance Committee Report, page 25 under Article 4, provided however that, with prior approval of the Board of Selectmen and the Finance Committee, the Town Administrator is authorized to transfer unexpended funds within a summary category (for example, within General Government).

DISCUSSION

None

VOTE

The vote was 360 yes, 6 no. The motion under Article 4 prevailed by a majority.

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:

Dept.	Item	Requested	Recommended	Funding Source
1. DPW	Road resurfacing	\$ 300,000	\$ 700,000	Fund Bal.
2. DPW	Drainage/Sidewalk Improvements	\$ 400,000	\$ 400,000	Taxation
3. DPW	DPW Facility	\$1,750,000	\$ 860,000	Taxation & Cap. Excl.
4. DPW	General Building Upgrades	\$ 50,000	\$ 50,000	Taxation
5. DPW	Ocean Street Options Study	\$ 0	\$ 100,000	Fund Balance
6. DPW	Front End Loader	\$ 300,000	\$ 250,000	Taxation
7. DPW	Vehicle Replacement	\$ 90,000	\$ 90,000	Fund Balance
8. Town Hall	Computer/IT upgrades	\$ 30,000	\$ 30,000	Taxation
9. Library	Painting/Window & Door repairs	\$ 200,000	\$ 0	
10. Library	ADA Restroom Design work	\$ 70,000	\$ 70,000	Taxation
11. Park & Rec	Tuck's Point Rotunda Restoration	\$ 0	\$ 800,000	Taxation & Fund Bal
12. Park & Rec	Singing Beach Bathhouse Plumbing	\$ 50,000	\$ 0	
13. COA	Senior Center	\$ 200,000	\$ 50,000	Fund Balance
14. Public Safety	Mobile Radio Upgrades	\$ 7,175	\$ 7,175	Taxation
15. Public Safety	Cardiac Monitors & Defibrillators Replace.	\$ 54,000	\$ 54,000	Taxation
16. Public Safety	Fire Engine Fund	\$ 300,000	\$ 300,000	Taxation
17. Public Safety	Police Tasers	\$ 12,600	\$ 12,600	Taxation
18. Public Safety	Police Vehicle replacement	\$ 73,750	\$ 73,750	Taxation
19. Public Safety	Police Firearms replacement	\$ 37,350	\$ 37,350	Taxation
20. Harbor	Shellfish Study	\$ 15,000	\$ 15,000	Fund Balance
21. Harbor	Boat replacements (plus grants)	\$ 116,000	\$ 116,000	Fund Balance & Waterway Fund
22. Harbor	Boat storage structure	\$ 50,000	\$ 0	
23. Sewer	Plant Upgrades	\$ 200,000	\$ 200,000	Sewer Enterprise
TOTAL		\$4,305,875	\$4,215,875	

Per petition of the Select Board. The Finance Committee recommends approval. The Select Board recommends approval.

MOTION

Ann Harrison moved and Sarah Mellish 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 clarifications:

- Item 2: \$200,000 from taxation and \$660,000 from a Capital Exclusion;
- Item 11: \$300,000 from taxation and \$500,000 from the Fund Balance;
- Item 21: \$101,000 from the Fund Balance and \$15,000 from the Waterway Fund;

For a total of \$1,784,875 from taxation, \$1,556,000 from the Fund Balance, \$200,000 from the Sewer Enterprise Fund, \$15,000 from the Waterway Fund, and furthermore, \$660,000 from a capital exclusion which shall be contingent upon the approval of a Capital Exclusion ballot question in accordance with G.L. c. 59. Section 21c.

DISCUSSION

Items 5, 11, 12, 13, and 20 were held.

Isabella Bates, 2 Masconomo St., asked for an explanation of item 5.

Town Administrator Gregory Federspiel stated this is an effort towards a more comprehensive plan to preserve Ocean Street and would be a review to see what the best options are going forward.

Rick Rogers, 82 Old Essex Rd., asked for clarity on items 11, 12, 13, and 20, which Mr. Federspiel provided. Brenda Furlong, 19 Ocean St., spoke in support of item 5. Margaret Coleman, 20 Friend St., questioned the additional funding for item 13, and Mr. Federspiel addressed the concerns.

MOTION TO AMEND

Sandra Rogers, 82 Old Essex Rd., moved to reduce item 11 to \$0. The motion was seconded.

DISCUSSION ON MOTION TO AMEND

Gary Gilbert, 11 Magnolia Ave., Marlene Dolan, 19 Woodcrest Rd., and Eli Boling, 99 Pleasant St., spoke in support of #11.

VOTE ON MOTION TO AMEND

The vote was 59 yes, 321 no. The motion to amend the main motion under Article 5 failed.

VOTE ON MAIN MOTION

The vote was 375 yes, 22 no. The motion under Article 5 prevailed by a majority.

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, 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-five; or take any other action relative thereto.

Per petition of the Manchester-Essex Regional School Committee. The Finance Committee recommends approval. The Select Board recommends approval.

MOTION #1

Christopher Reed of the Manchester Essex Regional School Committee moved and Ann Harrison 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 five.

DISCUSSION

None

VOTE

The vote was 383 yes, 9 no. The motion under Article 6 prevailed by a majority.

MOTION #2

Christopher Reed of the Manchester Essex Regional School Committee moved and Ann Harrison seconded that the Town raise and appropriate \$17,529,953 to fund the Town’s assessment from the Manchester Essex Regional School District for the fiscal year beginning July first, two thousand twenty five for the gross operating and maintenance budget.

DISCUSSION

Christopher Reed spoke on behalf of the Regional School Committee in favor of the motion. Lindsay Banks, 40 Forest St., spoke in support of the school budget.

VOTE

The vote was 399 yes, 25 no. The motion under Article 6 prevailed by a majority.

MOTION #3

Christopher Reed of the Manchester Essex Regional School Committee moved and Ann Harrison seconded that the Town raise and appropriate \$2,645,382 to fund the Town’s assessment from the Manchester Essex Regional School District to cover the long-term debt for the fiscal year beginning July first, two thousand twenty-five.

DISCUSSION

None

VOTE

The vote was 403 yes, 12 no. The motion under Article 6 prevailed by a majority.

ARTICLE 7: To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Laws, “Section 10.2 Floodplain” by deleting the existing language and replacing it in its entirety with new language, shown in underlined text below; or take any other action relative thereto.

Delete Existing Section 10.2 Floodplain

~~10.2 Flood Plain~~

~~10.2.1 Flood Plain District:~~

~~The purposes of the Flood Plain District are to:~~

- ~~(a) Ensure public safety through reducing the threats to life and personal injury;~~
- ~~(b) Eliminate new hazards to emergency response officials;~~
- ~~(c) Prevent the occurrence of public emergencies resulting from loss of water quality, contamination, and pollution due to flooding;~~
- ~~(d) Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;~~
- ~~(e) Eliminate costs associated with the response and cleanup of flooding conditions;~~
- ~~(f) Reduce damage to public and private property resulting from flooding waters.~~

~~10.2.2 Flood Plain District Boundaries and Base Flood Elevation and Floodway Data~~

~~10.2.2.1 The Flood Plain District is herein established as an overlay district. Any use otherwise permitted in the underlying district is permitted as a matter of right in the Flood Plain District, provided the use meets the following additional requirements and those of the Massachusetts State Building Code dealing with construction in flood plains and coastal high hazard areas as applicable. The Flood Plain District includes all special flood hazard areas within the Town of Manchester by the Sea designated as Zone A, AE, AH, AO, or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Manchester by the Sea are panel numbers 25009C0429F dated July 3, 2012; and panel numbers 25009C0431G, 25009C0432G, 25009C0433G, 25009C0434G, 25009C0441G, 25009C0442G, 25009C0451G, 25009C0453G, 25009C0454G, and 25009C0475G, dated July 16, 2014. The exact boundaries of the District shall be defined by the 100 year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 16, 2013, as those documents were updated by FEMA Letter of Map Revision (LOMR) dated March 12, 2017, for panels 25009C0453G and 25009C0454G, effective as of July 25, 2017. The FIRM, FIS booklet, and LOMR are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Director of Public Works. [Amended 2012, 2014, 2017]~~

~~10.2.2.2 Base Flood Elevation and Floodway Data (a) Base Flood Elevation Data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, which ever is the lesser, within unnumbered A zones. (b) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. [Added 2012]~~

~~10.2.3 Notification of Watercourse Alteration~~

~~In a riverine situation, the following must be notified of any alteration or relocation of a watercourse:~~

- (a) Adjacent communities
- (b) NFIP State Coordinator Massachusetts Office of Water Resources 251 Causeway Street Suite 600 700 Boston, MA 02114 2104
- (c) [deleted 2002]
- (d) NFIP Program Specialist Federal Emergency Management Agency, Region I 99 High Street, 6th Floor Boston, MA 02110 [Revised 2012]

10.2.4 Use Regulations

10.2.4.1

Within any Zone where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood-proofing requirements, as appropriate, of the State Building Code.

10.2.4.2

Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone VE). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wash, all new construction shall be located landward of the reach of Spring High Tide. Spring High Tide shall be located as that elevation shown on the Army Corps of Engineers High Tide Chart (Tidal Flood Profiles New England Coastline, See ACOE, New England Division, Prepared by Hydraulics and Water Quality Section, Waltham, MA). All references to elevations should be to NGVD (National Geodetic Vertical Datum). Wave run up as defined by the elevation of the one year flood surge

(Stillwater) as noted under section 404, shall be incorporated in to those elevations within V zones. [Revised 2012]

10.2.4.3

All development in the Flood Plain District, including structural and non structural activities, whether permitted by right or by special permit, shall be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws, and with the following:

- (a) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas; [Revised 2012]
- (b) Wetlands Protection Regulation, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); [Revised 2012]
- (d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); [Revised 2012]
- (e) Minimum requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5); Any variances from the provisions and requirements of the above referenced State regulations shall be granted only in accordance with the required variance procedures of these State regulations.

10.2.4.4

Other Use Regulations

- (a) Within Zone AO on the FIRM, adequate drainage paths are required around structures on slopes to guide flood waters around and away from proposed structures. [Revised 2014]
- (b) Man made alteration of sand dunes within Zone VE, which would increase potential flood damage, is prohibited. [Revised 2012]
- (c) All development and/or uses within the Flood Plain District shall comply with all applicable local laws and regulations.

ADD New Section 10.2 Floodplain

1. Purpose

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters

2. Use of FEMA maps and supporting studies

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Manchester-by-the-Sea designated as Zone A, AE, AO, and VE on the Essex County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Office.

3. Designation of community Floodplain Administrator

The Town of Manchester-by-the-Sea hereby designates the Town Administrator or designee to be the official floodplain administrator for the Town.

4. Permits are required for all proposed development in the Floodplain Overlay District

The Town of Manchester-by-the-Sea requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

5. Assure that all necessary permits are obtained

The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must demonstrate that all necessary permits have been acquired.

6. Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM or Flood Boundary & Floodway Map (choose map which delineates floodways for your community) encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

7. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

8. AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

9. Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

10. Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 5 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

11. Recreational vehicles

In A, AE, AO, and VE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

12. Protection of dunes

Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

13. Watercourse alterations or relocations in riverine areas

In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

14. Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

15. Variances to building code floodplain standards

- The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.
- The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.
- Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

16. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

17. Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

18. Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

19. Severability section

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

20. Local Enforcement

Enforcement of this bylaw shall be in accordance with Section 12.2 of the Manchester-by-the-Sea Zoning By-Law

21 Definitions

The following definitions shall apply to this Section 10.2 Floodplain By-Law:

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, AO, and VE [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Per petition of the Planning Board. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Sarah Creighton moved and Gordon Brewster seconded the article as presented in the warrant with one change: in Section 10.2 #6 on page 30 of the Finance Committee Pamphlet, in the second paragraph, delete “or Flood Boundary & Floodway Map (choose map which delineates floodways for your community)”.

Moderator Wilson noted that M.G.L. Ch. 40A, §5 provides that no zoning amendment shall be adopted unless the Planning Board has held a public hearing on it and the Planning Board has submitted a report with recommendations to Town Meeting. He said the Planning Board held a hearing on this and all the other zoning amendments proposed in the warrant on April 7, 2025 and has submitted a report on each one recommending approval. He also noted that this amendment requires a two-thirds majority under Ch. 40A, §5.

DISCUSSION

Planning Board Chair Sarah Creighton spoke in favor of the motion.

There was a brief discussion including Dean Nahatis, 48 Beach St., about referencing state regulations in the bylaw, which Ms. Creighton addressed by confirming this is how the state advised Manchester-by-the-Sea to proceed.

VOTE

The vote was 330 yes, 11 no. The motion under Article 7 prevailed by more than a 2/3 vote.

ARTICLE 8 To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Laws relative to the Regulation of Accessory Dwelling Units by making the changes set forth below with the text to be deleted shown in strikethrough, new wording shown with underlining, and to authorize the Town Clerk to undertake any necessary renumbering; or take any other action relative thereto:

Amendments to Section 2.0 Definitions:

Delete:

~~**Accessory Dwelling Unit** A dwelling unit accessory to the principal unit as governed by Section 9.1~~

Insert

Standard Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress; (b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller.

Short-term rental: Shall be the use of a dwelling as defined by G.L. c. 64G, §1

Amendments to 4.2 Table of Allowed Uses

Delete: E.6. and E.7 and Note 12 and Note 13

Use	A	B	C	D1	D2	E	G	LCD
6. Accessory Dwelling Unit (12)	ZBA	ZBA	ZBA	N	N	ZBA	ZGA	N
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

~~**Note 12:** See Section 9.1 for requirements~~

~~**Note 13:** As part of an existing garage, stable or other existing structure approved by special permit of the Zoning 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 Zoning Board of Appeals, is an accessory use. Said employee must be employed on the premises.~~

Insert new E.6

Use	A	B	C	D1	D2	E	G	LCD
<u>6. Standard Accessory Dwelling Unit (12)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>

Note (12) Standard Accessory Dwelling Unit shall be subject to Section 9.1

Amendment to Section 9.1 Special Housing Provisions

Delete the entire existing Section 9.1

~~9.1 — Special Housing Provisions~~

~~9.1.1 Purpose:~~

~~This By Law permits the construction of accessory dwelling units in Single Residence Districts A, B, C, and E in order to meet the following objectives:~~

- ~~(a) — To facilitate the availability of suitable private housing for moderate and lower income, elderly and younger citizens of the Town while preserving the existing character of single family districts.~~
- ~~(b) — To make it financially possible for existing homeowners to stay in their homes.~~
- ~~(c) — To provide security.~~
- ~~(d) — To provide regulations that are enforceable and bring illegal conversions under control.~~
- ~~(e) — To insure that all accessory dwelling units that are created will comply with the building codes and health, safety and fire regulations.~~
- ~~(f) — To allow the best use of older homes by encouraging the preservation of these homes.~~

~~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 Residence District E, the lot size shall be two (2) times the minimum lot size as determined by the zoning regulations.~~
 - ~~(b) The single family dwelling shall have existed on the lot as of March 1, 1984.[Amended 1987]~~
 - ~~(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.~~
 - ~~(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.~~
 - ~~(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.~~
- ~~9.1.2.3 The Applicant for the special permit shall submit plans showing at a minimum the following items:~~
- ~~(a) Lot size and location of parking.~~
 - ~~(b) Floor plan showing size and location of accessory dwelling unit with all means of egress, natural and mechanical ventilation, and location of all items required by the building code.~~
 - ~~(c) Elevations of building if exterior changes occur.~~
 - ~~(d) Additional information requested by the Board of Appeals.~~
- ~~9.1.2.4 The accessory dwelling unit shall not be occupied until a Building Permit and a Certificate of Occupancy are issued by the Building Inspector. [Added 1984; Amended 1987]~~

Insert a new Section 9.1 Accessory Dwelling Unit

9.1.1 Purpose:

This Section regulates the construction of accessory dwelling units in Districts A, B, C, D1, D2, E and G, where applicable, to meet the following objectives:

- (a) To facilitate the availability of suitable private housing for moderate and lower income, elderly and younger citizens of the Town while preserving the character of existing districts.
- (b) To ensure that all accessory dwelling units that are created will comply with the building codes and health, safety and fire regulations.

9.1.2 Standard Accessory Dwelling Units shall comply with the following requirements

9.1.2.1 Submittal and Design Requirements

1. Architectural floor plans shall be submitted for new units
2. Exterior elevations shall be submitted for any application requiring an addition to any building for habitable space, or a new structure.

3. An engineered site plan shall be submitted for any applications requiring an addition to any buildings for habitable space or an accessory structure proposed for a Standard Accessory Dwelling Unit.
4. All Standard Accessory Dwelling Units shall comply with all applicable requirements of this Zoning By-Law including the Manchester-by-the-Sea Floodplain District and Ground and Surface Water Resource Overlay Protection Districts.
5. If located in the Manchester Historic District the Historic District Commission must approve any changes to the exterior of the building.
6. Only one public water and sewer service shall serve a lot on which a Standard Accessory Dwelling Unit is located.
7. All additions to Standard Accessory Dwelling Units shall comply with lot coverage requirements, primary building setbacks and dimensional requirements of Section 5.4 of these zoning by-laws.
8. All additions or structures containing a Standard Accessory Dwelling Units shall be constructed on a permanent foundation and they may not be temporary structures such as camping trailers, recreational vehicles, mobile homes, or other temporary structures.
9. Standard Accessory Dwelling Units shall utilize existing driveway entrances for access.

9.1.2.2 Use Requirements for Standard Accessory Dwelling Units:

1. Short-term rentals as defined in G.L. c. 64G, §1 shall not be permitted in any Standard Accessory Dwelling Unit.
2. Standard Accessory Dwelling Units shall not be leased for a period of less than six months.
3. One off-street parking space is required for Standard Accessory Dwelling Units, beyond one half mile from the Manchester Commuter Rail Station.
4. Only one Standard Accessory Dwelling unit shall be permitted on a lot.
5. Standard Accessory Dwelling Units shall not be separated from the title of the primary unit.

Per petition of the Planning Board. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Sue Philbrick moved the article as presented in the warrant with one change: On page 36 of the FCP in Section 9.1.2.1 #7, delete “All additions to”, so that #7 would read “Standard Accessory Dwelling Units shall comply with lot coverage requirements, primary building setbacks and dimensional requirements of Section 5.4 of these zoning by-laws.” Gordon Brewster seconded the motion.

Moderator Wilson noted that this motion requires only a simple majority pursuant to Ch. 40A, §5 as amended by the Affordable Homes Act, Ch. 150 of the Acts of 2024.

DISCUSSION

Sue Philbrick spoke on behalf of the Planning Board in support of the motion.

Sarah Creighton confirmed these regulations will apply to new ADUs, not pre-existing.

There was a brief discussion regarding the permanent foundation requirement, the term “mobile” versus “manufactured” home, and enforcement.

MOTION TO AMEND

Martha Farmer, 12 Bridge St., moved to amend 9.1.2.2.2 by reducing the minimum rental term from six months to three months. The motion to amend was seconded.

MOTION TO AMEND

Nick White, 9 Spy Rock Hill, moved to remove word “constructed” in item 9.1.2.1.8 and replace it with “installed” instead. It would then read, “8. All additions or structures containing a Standard Accessory Dwelling Units shall be installed on a permanent foundation and they may not be temporary structures such as camping trailers, recreational vehicles, mobile homes, or other temporary structures.”

DISCUSSION

Brian Frey, 1 Harrington Way, and Sandy Bodmer-Turner, 89 School St., spoke in support of the article. There was then some discussion to clarify the wording of the two proposed amendments.

Tom Kehoe, 20 Lincoln St., moved the previous question on Article 8. Seconded.

VOTE ON MOTION TO END DEBATE

The vote was 283 yes, 16 no. The motion to end debate under Article 8 prevailed by a majority.

VOTE ON MOTION TO AMEND (AS MOVED BY NICK WHITE)

The vote was 252 yes, 38 no. The amendment to the main motion under Article 8 by removing the word “constructed” in item 9.1.2.1.8 and replacing it with “installed” prevailed by a majority.

Moderator Wilson noted that Gary Gilbert had asked before the meeting to move to amend the main motion. Since he had told Mr. Gilbert he would have an opportunity to do so, he would allow it notwithstanding the motion for the previous question.

MOTION TO AMEND

Gary Gilbert, 11 Magnolia Ave., moved to amend 9.1.2.2.2 by reducing the minimum rental term from six months to one month. The motion to amend was seconded.

DISCUSSION

Fred Rossi, 17 Highwood Rd., spoke against the amendments to shorten the minimum rental time noting the purpose of a six-month minimum was to promote additional year-round housing options.

VOTE ON MOTION TO AMEND (AS MOVED BY GARY GILBERT)

The vote was 79 yes, 201 no. The amendment to the main motion under Article 8 failed.

VOTE ON MOTION TO AMEND (AS MOVED BY MARTHA FARMER)

The vote was 138 yes, 143 no. The amendment to the main motion under Article 8 failed.

VOTE ON MAIN MOTION AS AMENDED

The vote was 244 yes, 26 no. The amended motion under Article 8 prevailed by a majority.

ARTICLE 9: To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Laws to define and regulate Large Accessory Dwelling Units by inserting the underlined provisions indicated below and to authorize the Town Clerk to undertake any necessary renumbering; or take any action relative thereto.

AMEND Section 2.0 Definitions:

Insert:

Large Accessory Dwelling Unit: Shall mean a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress; (b) a unit larger than a Standard Accessory Dwelling Unit but is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 1200 square feet, whichever is smaller.

AMEND Section 4.2 Table of Allowed Uses

Insert: New E.7 and footnote 13

Use	A	B	C	D1	D2	E	G	LCD
<u>7. Large Accessory Dwelling Unit (13)</u>	<u>ZBA</u>	<u>ZBA</u>	<u>ZBA</u>	<u>N</u>	<u>N</u>	<u>ZBA</u>	<u>N</u>	<u>N</u>

Note (13): Large Accessory Dwelling Unit shall be Subject to Section 9.1.3

AMEND Section 9.1:

INSERT:

9.1.3 All Large Accessory Dwelling Units shall comply with the following requirements.

9.1.3.1 Submittal and Design Requirements

1. Architectural floor plans shall be submitted for new units.
2. Exterior elevations shall be submitted for any application requiring an addition to any building for habitable space, or a new structure.
3. An engineered site plan shall be submitted for any applications requiring an addition to any buildings for habitable space or an accessory structure proposed for a Large Accessory Dwelling Unit.
4. All Large Accessory Dwelling Units shall comply with all applicable requirements of this Zoning By-Law including the Manchester-by-the-Sea Floodplain District and Ground and Surface Water Resource Overlay Protection Districts.
5. If located in the Manchester Historic District the Historic District Commission must approve any changes to the exterior of the building.
6. Only one public water and sewer service shall serve a lot, on which a Large Accessory Dwelling Unit is located.
7. All additions to Large Accessory Dwelling Units shall comply with lot coverage requirements, primary building setbacks and dimensional requirements of Section 5.4 of these zoning by-laws.
8. All additions or structures containing a Large Accessory Dwelling Units shall be constructed on a permanent foundation and they may not be temporary structures such as camping trailers, recreational vehicles, mobile homes, or other temporary structures.
9. Large Accessory Dwelling Units shall utilize existing driveway entrances for access.
10. If a Large Accessory Dwelling Units is proposed to be in an accessory structure constructed after April 28, 2025, the structure must comply with primary building setback requirements.
11. Parking for a property proposed for a Large Accessory Dwelling Unit shall comply with Section 6.1 Off-Street Parking.

9.1.3.2 Use Requirements – Large Accessory Dwelling Units

1. Only one Large Accessory Dwelling Unit shall be permitted on a lot.
2. Large Accessory Dwelling Units are only permitted on a lot containing a single-family dwelling.
3. Large Accessory Dwelling Unit are not permitted on a lot on which another Accessory Dwelling Unit already exists.
4. The unit may be within an existing residential structure, attached to, or in a detached accessory structure.
5. Short-term rentals, as defined in G.L. c. 64G, §1, shall not be permitted in any Large Accessory Dwelling Unit.
6. Large Accessory Dwelling Units shall not be leased for a period of less than six months.
7. Large Accessory Dwelling Units shall remain accessory and not be separated from the ownership of the Primary Dwelling.

Per petition of the Planning Board. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Chris Olney moved the article as printed in the warrant with one change. On page 38 of the FCP in Section 9.1.3 #7, delete “All additions to” so that #7 would read “Large Accessory Dwelling Units shall comply with lot coverage requirements, primary building setbacks and dimensional requirements of Section 5.4 of these zoning by-laws.” Gordon Brewster seconded the motion.

DISCUSSION

None

VOTE ON MOTION

The vote was 215 yes, 17 no. The motion under Article 9 prevailed by more than a 2/3 vote.

ARTICLE 10: To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Law relative to the Regulation of Short-Term Rentals by making the changes set forth below or take any other action relative thereto.

AMEND Section 2.0 Definitions:

Insert:

Short-term rental: Shall be the use of a dwelling as defined by G.L. c. 64G, §1

Amendment to 4.2 Table of Allowed Uses:

Insert in E. Accessory Uses:

Use	A	B	C	D1	D2	E	G	LCD
<u>13. Short Term Rentals in Accessory Dwelling Units</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Per petition of the Planning Board. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Sarah Creighton moved and Sue Philbrick seconded to pass over, take no action.

DISCUSSION

None

VOTE

The vote was 190 yes, 3 no. The motion under Article 10 prevailed by a majority.

ARTICLE 11: To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Laws to provide for associate members of the Planning Board as follows; or take any other action relative thereto.

ADD TO: Section 12.4.1 Establishment

The Planning Board shall have two associate members who shall be appointed jointly by the Select Board and the Planning Board. The associate members shall initially be appointed for a one-year and a two-year term. Thereafter each associate member's term shall run for a period of two years. The Chairman of the Planning Board may designate an associate member to sit for the purposes of acting on a Special Permit application before the Board in the case of absence, inability to act, or conflict of interest on the part of any regular member of the Board and/or in the event of a vacancy.

Per petition of the Planning Board. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Gordon Brewster moved the article as printed in the warrant, and Chris Olney seconded.

DISCUSSION

None

VOTE

The vote was 196 yes, 10 no. The motion under Article 11 prevailed by more than a 2/3 vote.

ARTICLE 12: To see if the Town will vote to amend the Town of Manchester-by-the-Sea Zoning By-Laws Section 12.6 relative to Site Plan Review by making the changes set forth below with text to be deleted in strikethrough and new language shown underlined; or take any other action relative thereto.

DELETE Existing Section 12.6.2 Applicability.

~~Each SPGA may conduct site plan review while in the process of conducting the Special Permit review. If a project is a "by right" development, then the Planning Board shall be the entity responsible for conducting the site plan review on that specific project. 1. Any new development, expansion, or change of use other than a single family or two family residence which would, under the parking schedule "Off Street Parking Regulations" of Section 6.1, require five (5) or more parking spaces, regardless of the number of parking spaces preexisting on the premises.~~

ADD Insert New Section 12.6.2 Applicability
Site Plan Review is required for:

1. New construction of a structure to be used for any commercial use;
2. An addition to an existing structure occupied by any commercial use resulting in a floor area of over 400 square feet in the total or a disturbance in lot coverage of over 1,500 square feet;
3. Any new development, expansion, or change of use requiring five or more new parking spaces;
4. A change in use of an existing residential structure to a commercial use or a commercial building to a residential use containing three or more units;
5. Construction of any drive-through facility;
6. New multifamily building construction or renovation into three or more units;
7. Any alteration of land greater than 43,560 square feet except for one and two family residential, agricultural, horticultural, floriculture, or viticulture uses.
8. Where otherwise required by this Zoning By-Law.

Exemptions

1. For an addition of less than 1,000 square feet to an existing building, the Planning Board may waive any or all of these requirements.
2. Site Plan Review shall be held concurrently with those uses that require a Special Permit from the Planning Board.

Per petition of the Planning Board. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Sarah Creighton moved the article as printed, and Sue Philbrick seconded.

DISCUSSION

None

VOTE

The vote was 193 yes, 10 no. The motion under Article 12 prevailed by more than a 2/3 vote.

ARTICLE 13: 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.~~

Per petition of the Planning Board. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Peter Morton moved the article as printed in the warrant, and Gordon Brewster seconded.

DISCUSSION

None

VOTE

The vote was 202 yes, 3 no. The motion under Article 13 prevailed by more than a 2/3 vote.

ARTICLE 14: To see if the Town will vote to amend the Town’s General Bylaw, Article VIII Water and Sewer Commissioners, Section 4 Water Use Restrictions, by adding the following new definition of “Non-essential Outdoor Water Use” to Section 4.C; or take any other action relative thereto.

Nonessential Outdoor Water Use means a use that is not required:

- (a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- (b) by permit, license, statute or regulation;
- (c) for the production of food, including vegetable gardens, and fiber;
- (d) for the maintenance of livestock;
- (e) to meet the core functions (those functions essential to the commercial operations) of a business, including but not limited to:
 - 1. plant nurseries as necessary to maintain stock;
 - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
 - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
 - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 A.M. and after 5:00 P.M.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities and athletic associations, before 9:00 A.M. and after 5:00 P.M.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

Per petition of the Select Board. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

John Round moved and Catherine Bilotta seconded the motion to amend the Town’s General Bylaw Article VIII by inserting into Section 4 C. Definitions:

- 1) the word “Supply” to the phrase State of Water Conservation so that it now reads “State of Water Supply Conservation”;
- 2) A new definition for “Nonessential Outdoor Water Use” as presented in the warrant

And by modifying the language in Section 4 Section E. by striking the words in the first sentence “the use of water” and replacing it with the words “nonessential outdoor water use” so that the sentence now reads:
Restricted Water Uses: A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use as necessary to protect the water supply.

DISCUSSION

There was some discussion about the restrictions and enforcement.

VOTE

The vote was 172 yes, 19 no. The motion under Article 14 prevailed by a majority.

ARTICLE 15: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2026 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 2026; 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, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2026 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. Singing Beach Bathhouse Upgrades	(Undesignated Fund Balance)	\$ 50,000
3. Lifeguard Chair	(Undesignated Fund Balance)	\$ 4,500
4. Mobility Mat for Singing Beach	(Undesignated Fund Balance)	\$ 2,600
5. Manchester Affordable Housing Trust Project Funding	(Community Housing)	\$ 200,000
6. Housing Production Plan Update	(Undesignated Fund Balance)	\$ 25,000
7. Cemetery Restoration	(Undesignated Fund Balance)	\$ 35,000
8. Restoration and Preservation of Historic Police Photos	(Undesignated Fund Balance)	\$ 5,000
9. Manchester Public Library Windows restoration	(Undesignated Fund Balance)	\$ 50,000
10. Rotunda Restoration	(Historic Preservation)	\$ 500,000
		TOTAL \$ 897,100

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

Per petition of the Select Board and the Community Preservation Comm. The Finance Committee recommends approval. The Select Board recommends approval.

MOTION

Brian Sollosy moved the article as printed in the warrant with the clarification that the undesignated fund balances referenced are Community Preservation Funds; Jeff Delaney seconded.

DISCUSSION

Items 2 and 5 were held.

Isabella Bates, 2 Masconomo St., spoke regarding item 2 and stated she wants a new bathhouse, not upgrades.

In response to a question about the three funding categories for CPC funds, Mr. Federspiel explained the items 2, 3, and 4 were for open space/recreation, items 5 and 6 were for affordable housing, and the remaining items were for historic preservation.

MOTION TO AMEND

Gar Morse, 11 Jersey Ln., moved item 5 be reduced to the minimum required under the Community Preservation Act (\$45,000). Seconded.

John Feuerbach, 5 Harold St., chair of the Affordable Housing Trust, spoke against the proposed amendment.

VOTE ON AMENDMENT

The vote was 49 yes, 128 no. The motion to amend the main motion under Article 15 failed.

VOTE ON MAIN MOTION

The vote was 170 yes, 12 no. The motion under Article 15 prevailed by a majority.

ARTICLE 16: To see if the Town will vote to raise and appropriate or transfer from available funds \$330,000 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 Select Board. The Finance Committee recommends approval. The Select Board recommends approval.

MOTION

Catherine Bilotta moved and Ann Harrison seconded the motion to raise and appropriate \$330,000 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

Sarah Mellish, Chair of the Finance Committee said that the Town was approaching fully funding the OPEB Trust Fund which would free up funding for other needs.

VOTE

The vote was 166 yes, 4 no. The motion under Article 16 prevailed by a majority.

ARTICLE 17: To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 22I, the Hero Act for Veterans, which authorizes an annual increase in the amount of the exemption granted under General Laws Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for the applicable exemptions granted for any fiscal year beginning on or before July 1, 2025; or take any other action related thereto.

Per petition of the Select Board. The Finance Committee recommends approval. The Select Board recommends approval.

MOTION

Jeffrey Delaney moved and John Round seconded the motion that the Town votes to accept the provisions of General Laws Chapter 59, Section 5, Clause 22I, known as the Hero Act for Veterans as presented in the warrant.

DISCUSSION

None

VOTE

The vote was 157 yes, 3 no. The motion under Article 17 prevailed by a majority.

ARTICLE 18: To see if the Town will vote, pursuant to the provisions of MGL c.44, §53E½ to set the following Fiscal Year 2026 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:

1. Program or Purpose: Costs Associated with Town of Manchester-by-the-Sea Recreation Programs; FY26 spending limit: \$450,000.
2. Program or Purpose: Costs Associated with Town of Manchester Board of Health Emergency Dispensing Sites and Clinics Programs; FY26 spending limit: \$50,000

Or take any other action relative thereto.

Per petition of the Select Board. The Finance Committee recommends approval. The Select Board recommends approval.

MOTION

Brian Sollosy moved and Ann Harrison seconded the article as presented in the warrant.

DISCUSSION

None

VOTE

The vote was 162 yes, 5 no. The motion under Article 18 prevailed by a majority.

ARTICLE 19: To see if the Town will vote to repeal the Manchester-by-the-Sea’s Board of Health’s November 1, 2024 ‘Zero-Nicotine Generation’ ban restricting the sale of tobacco products to individuals born on or after January 1, 2004. The ban is scheduled to take effect on April 1, 2025.

Per Citizen petition. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Brian Sollosy moved and Catherine Bilotta seconded the motion to instruct the Manchester Board of Health to repeal the ban the Board adopted on November 1, 2024 that prohibits the sale of tobacco products to individuals born after January 1, 2004 beginning April 1, 2025.

Moderator Wilson stated Town legal counsel advised that Town Meeting cannot repeal or rescind regulations properly adopted by the Board of Health or instruct the Board to repeal them, so if the meeting approves this motion, it will be non-binding.

DISCUSSION

Brian Sollosy and Isabella Bates expressed that they both felt the regulation was an overreach. Leah Peavey, Board of Health member, spoke of other communities that have enacted the same restrictions and of the goal to protect the health of future generations.

VOTE

The vote was 81 yes, 76 no. The motion under Article 19 prevailed by a majority.

ARTICLE 20: An Act authorizing the town of Manchester-by-the-Sea to adopt a bylaw restricting the use of Second Generation Anticoagulant Rodenticides (SGARs).

SECTION 1. Notwithstanding Chapter 132B of the General Laws or any other general or special law to the contrary, the Town of Manchester-by-the-Sea may, by bylaw, prohibit or restrict the application of seconded generation anticoagulant rodenticides within the Town of Manchester-by-the-Sea, including the application of such pesticides by licensed commercial applicators as defined in 333 C.M.R. 10.00.

Per Citizen petition. The Finance Committee takes no position. The Select Board recommends approval.

MOTION

Ann Harrison moved that the Town vote to authorize the Select Board to petition the General Court for the enactment of a special law authorizing the Town to adopt a bylaw restricting the use of Second Generation Anticoagulant Rodenticides, as set forth in the warrant; provided however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and she further move that the Select Board is authorized to approve amendments within the scope of the general public objectives of the petition. Jeff Delaney seconded the motion.

DISCUSSION

Ann Harrison described the home rule petition process this motion would allow the Town to pursue, which would eventually lead to such a bylaw.

VOTE

The vote was 147 yes, 17 no. The motion under Article 20 prevailed by a majority.

ARTICLE 21: Petition to request revision of the language of Manchester by the Sea's by-law, section **45D.-Enforcement and Penalties.** First offense changed to \$500 and doubling on each infraction going forward. After 5 infractions a cease and desist order until resolved.

In addition, section **45A-Definitions** – Construction shall mean those activities requiring a building permit, and shall also include any site preparation earthy removal, grading, assembly, erection, substantial repair, alteration or similar action, including demolition, for or of private streets, structures, utilities or similar non-public property. Construction noise shall be that noise generated by manual or mechanical activities associated with construction.

Section B. Exemptions

Noise associated with Emergency Work or Emergency Vehicles is exempt from the provisions of this Bylaw. Emergency Work shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service. Emergency Vehicles shall mean any vehicle operated in an effort to protect, provide or restore public safety including, but not limited to, ambulances, police vehicles and fire vehicles.

Per Citizen petition. The Finance Committee takes no position. The Select Board recommends not approving.

MOTION

Ann Harrison moved to pass over the article, noting state law does not permit these levels of fines. The motion was seconded.

DISCUSSION

None

VOTE

The motion under Article 21 prevailed by a unanimous voice vote.

ARTICLE 22: 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.

MOTION

The motion to pass over the article was made and seconded.

DISCUSSION

None

VOTE

The motion under Article 22 prevailed by a unanimous voice vote.

DISSOLUTION

Ann Harrison moved to dissolve the Annual Town Meeting, John Round seconded, and the motion was approved unanimously by voice vote. Moderator Wilson declared the Meeting dissolved at 9:37pm.