



Manchester-By-The-Sea
Office of the Town Clerk
PUBLIC NOTICE

1. Please be advised that the amendment to the Zoning Bylaws of the Town of Manchester-by-the-Sea adopted under Article 10 of the Warrant for the Annual Town Meeting that convened on April 25, 2022, and adjourned on the same day have been approved by the Attorney General on June 27, 2022, and are hereby posted pursuant to Massachusetts General Law c.40, §32

Copies of the amendments as well as the Attorney General's approval thereof, can be examined at the Office of the Town Clerk (10 Central Street, Manchester-by-the-Sea MA) or on the Town's website, [Bylaws and Regulations | Manchester-by-the-Sea, MA](#). Pursuant to MGL c. 40, § 32, zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting. With the posting of this notice, these amendments are in effect as of November 13, 2021.

Claims of invalidity of these zoning bylaw amendments, by reason of any defect in the procedure of adoption or amendment, may only be made within ninety (90) days of the date of this posting.

2. The amendment to the Town of Manchester-By-The-Sea General By-laws adopted under Article 12 of the Warrant for the Annual Town Meeting that convened on April 25, 2022 and adjourned on the same day has been approved by the Attorney General on June 27, 2022 and is hereby posted pursuant to Massachusetts General Law, Chapter 40, §32.

Copies of the amendments as well as the Attorney General's approval thereof, can be examined at the Office of the Town Clerk (10 Central Street, Manchester-by-the-Sea MA) or on the Town's website, [Bylaws and Regulations | Manchester-by-the-Sea, MA](#).

ATTEST:

Dianne K. Bucco, MMC/CMMC
Town Clerk

I have served the foregoing document by posting attested copies in 5 public locations as directed by MGL c40, §32, Town Hall, Library, Post Office, Fire Department and Police Department.

Constable

06-28-2022
Date





Manchester-By-The-Sea Office of the Town Clerk

At the Annual Town Meeting of the registered voters of the Town of Manchester-by-the-Sea, held April 25, 2022 and dissolved the same night, the following action was taken under this article:

ARTICLE 10 Zoning By-Law Amendment - Limited Commercial District

To see if the Town will vote to amend the Zoning By-Law as follows:

a) By deleting the first sentence of Section 4.4.6 and substituting the following therefor:

“By Special Permit from the Planning Board, and limited to the land areas west of Pine Street, a/k/a Pipe Line Road and east of School Street, laboratories and establishments devoted to scientific research and development; light manufacturing, assembly and processing of materials related thereto and incidental accessory uses.” and by deleting the remainder of Section 4.4.6;

b) By deleting Section 5.5 and substituting the following therefor:

“5.5 Height Regulations

Residential Districts, General District, and the area of the Limited Commercial District west of School Street: No structure shall be erected or altered so that it exceeds 2-1/2 stories or so that the vertical distance measured from the highest point of the roof to the mean pre-construction grade exceeds thirty-five (35') feet, whichever is lesser. Chimneys spires or towers not used for human occupancy may exceed ten (10') feet above these height limits. Mean pre-construction grade is defined as a reference plane representing the average elevation of pre-construction ground adjoining the building at all exterior walls. A half-story is defined as a story with a sloping roof, the area of which at a height of four (4') feet above the floor does not exceed two-thirds of the floor area of the story immediately below it.

Limited Commercial District in the area east of School Street: No structure shall be erected or altered so that the vertical distance measured from the highest point of the roof to the mean pre-construction grade exceeds fifty-five (55'). Chimneys, spires, towers and similar structures, tanks, HVAC equipment, solar panels, and mechanical appurtenances, not used for human occupancy may extend fifteen (15') feet above the fifty-five (55') foot height limit. Mean pre-construction grade is defined as a reference plane representing the average elevation of pre-construction ground adjoining the building at all exterior walls.

c) By deleting the following from Section 5.7.1: “and a minimum width at all points of not less than five hundred (500') feet”;

d) By deleting Section 5.7.2 and substituting the following therefor: “Maximum lot coverage by buildings and accessory structures: 40%; and maximum lot coverage by impervious surfaces 60%”;

e) By adding the following to Section 5.7.3: “except said set back requirements may be reduced by Special

Permit from the Planning Board where there is opportunity for better site design ”; and



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f) By adding to Section 6.2.5, after “state layout of Route 128”, the following: “except said two hundred foot (200’) foot limit may be reduced by Special Permit from the Planning Board where there is opportunity for better site design ”;

Per petition of the Board of Selectmen and the Planning Board

RECOMMENDATION: The Board of Selectmen recommend approval. The Finance Committee recommend approval due to the potential revenue generation of new buildings however the Finance Committee reserves the ability to review proposed projects on a case-by-case basis through the Special Permitting process.

MOTION: Gary Gilbert moved and Rebecca Jaques seconded to amend the Town’s Zoning By-Law as presented in Article 10 of the Warrant.

Article 10 was approved by a 2/3rd vote: 253 yes, 31 no, 4 abstentions.

At the Annual Town Meeting of the registered voters of the Town of Manchester-by-the-Sea, held April 25, 2022, and dissolved the same night, the following action was taken under this article:

ARTICLE 12 General Bylaw Amendment - Board of Selectmen to Select Board

To see if the Town will vote to amend the General Bylaws of the Town of Manchester By-the-Sea, copies of which are on file with the Town Clerk and available on the municipal website, to rename the Board of Selectmen as the Select Board, by striking out, in every instance in which they appear, the words “Board of Selectmen” and inserting in place thereof the words “Select Board”; and by striking out, in every instance in which they appear, the word “Selectman” and “Selectmen” and inserting in place thereof the words “Select Board Member” or “Select Board Members”; and further, to authorize the Town Clerk to make any non-substantive, ministerial revisions to ensure that gender and numerical issues in the related text of the General Bylaws are revised to properly reflect such change in title; and, further, to amend Article III, Section 2 of the General Bylaws, a copy of which is on file with the Town Clerk and available on the municipal website, by inserting the following new section therein, with the remaining sections of said Article to be renumbered accordingly; or take any action relative thereto:

SECTION 2. Select Board

The Select Board shall have all the powers and duties of a board of selectmen under the General Laws and any special laws, bylaws, regulations, or policies applicable to the Town, as well as such other powers and duties as are provided in the Town’s Bylaws.

Per petition of the Board of Selectmen

RECOMMENDATION: The Board of Selectmen recommend approval

MOTION: Jeffrey Bodmer-Turner moved and Eli Boling seconded the article as presented in the Warrant.

Article 12 was approved with a majority vote: 116 yes, 83 no, 6 abstentions.



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THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF
THE ATTORNEY GENERAL CENTRAL MASSACHUSETTS DIVISION 10

MECHANIC STREET, SUITE 301 WORCESTER, MA 01608 (508) 792-7600 (508) 795-1991 fax
www.mass.gov/ago

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June 27, 2022

Dianne K. Bucco, Town Clerk
Town of Manchester-by-the-Sea
10 Central Street
Manchester-by-the-Sea, MA 01944

Re: Manchester-by-the-Sea Annual Town Meeting of April 25, 2022 --- Case # 10514

Warrant Article # 10 (Zoning)

Warrant Article # 12 (General)

Dear Ms. Bucco:

Articles 10 and 12 - We approve Articles 10 and 12 from the April 25, 2022 Manchester-by-the-Sea Annual Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan By: Kelli E. Gunagan

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Municipal Law Unit
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cc: Town Counsel Michele E. Randazzo