



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

**GENERAL BYLAW**

Please be advised that the amendment to the General 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 3, 2023, and adjourned on the same day have been approved by the Attorney General on June 15, 2023, and are hereby posted pursuant to Massachusetts General Law c.40, §32

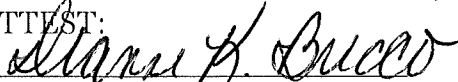
Copies of the amendments as well as the Attorney General's approval thereof, can be examined at the Office of the Town Clerk (10 Central Street, Manchester-by-the-Sea MA) or on the Town's website, [Bylaws and Regulations | Manchester-by-the-Sea, MA](#). Pursuant to MGL c. 40, § 32, zoning by-laws and 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.


**ZONING BYLAW**

The amendment to the Town of Manchester-By-The-Sea Zoning By-laws adopted under Article 17 of the Warrant for the Annual Town Meeting that convened on April 3, 2023 and adjourned on the same day has been approved by the Attorney General on June 15, 2023 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 6 public locations as directed by MGL c40, §32, Town Hall, Library, Post Office, Memorial School, Fire Department and Police Department.

  
Constable



06-20-23  
Date

Dianne K. Bucco, MMC/CMMC

[townclerk@manchester.ma.us](mailto:townclerk@manchester.ma.us)



**MANCHESTER-BY-THE-SEA  
TOWN MEETING VOTE CERTIFICATION**

At the Annual Town Meeting of the registered voters of the Town of Manchester-by-the-Sea, held April 3, 2023 and dissolved the same night, the following action was taken under this article:

**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.

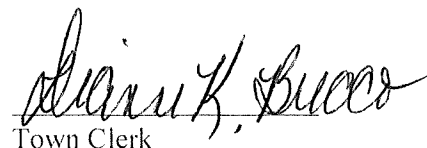
**Motion**

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

**Vote**

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

A True Copy Attest

  
Town Clerk





## MANCHESTER-BY-THE-SEA TOWN MEETING VOTE CERTIFICATION

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At the Annual Town Meeting of the registered voters of the Town of Manchester-by-the-Sea, held April 3, 2023 and dissolved the same night, the following action was taken under this article:

### 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 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 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.

**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.

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.

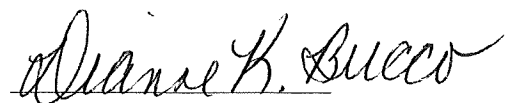
**Vote on the Amendment**

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

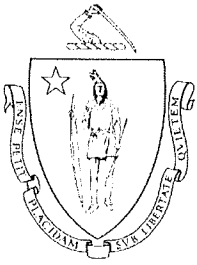
**Vote**

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

A True Copy Attest

  
Town Clerk





THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

June 15, 2023

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 4, 2023 - Case # 10886**  
**Warrant Article # 17 (Zoning)**  
**Warrant Article # 10 (General)**

Dear Ms. Bucco:

**Articles 10 and 17** – We approve Articles 10 and 17 voted at the April 4, 2023 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,

ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

*Kelli E. Gunagan*

By: Kelli E. Gunagan  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

cc: Town Counsel Michele E. Randazzo

A handwritten signature in black ink, appearing to be the initials "K.E.G." or similar, located in the bottom right corner of the page.