

COMMONWEALTH OF MASSACHUSETTS
TOWN OF MANCHESTER-BY-THE-SEA

ANNUAL TOWN MEETING WARRANT

Essex, ss.

To any of the Constables of the Town of Manchester-by-the-Sea:

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Manchester-by-the-Sea qualified to vote in elections, to meet in the Memorial School, on Lincoln Street, in Manchester-by-the-Sea, on Monday, the second day of April, two thousand and eighteen AD, at seven o'clock in the evening, for the purpose, to wit:

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 Board of Selectmen

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 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

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money 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 Board of Selectmen

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, 2018, and appropriate the same.

Per petition of the Board of Selectmen

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	\$205,000	\$205,000	Fund Balance
2. DPW	1-Ton Truck w/plow and sander	\$ 82,000	\$ 82,000	Taxation
3. DPW	Excavator	\$ 88,000	\$ 88,000	Taxation
4. DPW	Guardrail Replacement	\$ 15,000	\$ 15,000	Taxation
5. DPW	Drainage/Sidewalk Improvements	\$325,000	\$325,000	Taxation/Fund Bal.
6. DPW	Shop Equipment	\$ 20,000	\$ 20,000	Taxation
7. DPW	Pickup Truck	\$ 55,000	\$ 55,000	Taxation
8. DPW	Engineering – Complete Streets Grant	\$ 32,000	\$ 32,000	Taxation
9. DPW	New Compost Site –match for grant	\$ 75,000	\$ 75,000	Taxation
10. DPW	Pedestrian Crossing Actuated Lights	\$ 12,000	\$ 12,000	Taxation
11. DPW	Replacement Dump Truck Body	\$ 16,225	\$ 16,225	Taxation
12. Library	Teen Space Construction	\$ 40,000	\$ 40,000	Taxation
13. Park/Rec	Athletic Fields Master Plan	\$ 20,000	\$ 20,000	Taxation
14. Park/ Rec	Tennis Court Resurfacing	\$ 10,000	\$ 10,000	Taxation
15. Public Safety	Police Weapons replacement	\$ 5,000	\$ 5,000	Taxation
16. Public Safety	Radio System Upgrades	\$ 80,000	\$ 80,000	Taxation
17. Public Safety	Fire Engine Fund	\$250,000	\$250,000	Taxation
18. Public Safety	Replacement Police Cruiser	\$ 39,000	\$ 39,000	Taxation
19. Harbor	Dredging: Phase II Engineering	\$ 75,000	\$ 75,000	Waterway Fund
20. Harbor	Tuck's Point Kayak Racks	\$ 10,000	\$ 10,000	Taxation
21. Water	Plant Upgrades/Equipment Replacement	\$190,000	\$190,000	Water Enterprise & Taxation
22. Sewer	Plant Upgrades/Equipment Replacement	\$160,000	\$160,000	Sewer Enterprise & Taxation
Total		\$1,804,225	\$1,804,225	

Per petition of the Board of Selectmen

ARTICLE 6: To see if the Town will vote to raise and appropriate \$400,000 for the purpose of contributing to the cost of the repair and reconstruction of the Central Street Dam and Culvert; provided, however, that said appropriation shall be contingent upon the approval by the voters of a Capital Expenditure Exclusion question in accordance with G.L. c.59, §21C; or take any other action relative thereto.

Per petition of the Board of Selectmen

Per petition of the Board of Selectmen

ARTICLE 7. 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 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 eighteen; or take any other action relative thereto.

Per petition of the Manchester-Essex Regional School Committee

ARTICLE 8. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2019 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 2019; 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 2019 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)	\$ 20,000*
2. Tuck's Point Chowder House	(historic preservation)	\$ 23,000
3. Title Research for lands with owners unknown	(open space & recreation)	\$ 25,000
4. Masconomo Park Plantings	(open space & recreation)	\$ 10,000
5. Affordable Housing Trust Project Funding	(community housing)	\$ 150,000
6. Tuck's Point Rotunda Storm Repairs	(historic preservation)	\$ 100,000
7. Historic Preservation Reserve Account	(historic preservation)	\$ 18,000
8. Recreation/Open Space Reserve Account	(recreation/open space)	\$ 6,000
	TOTAL	\$ 352,000

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

Per petition of the Community Preservation Committee
Per petition of the Board of Selectmen

ARTICLE 9. To see if the Town will vote to request that the Selectmen and the Finance Committee investigate regional options for the funding and delivery of public safety and public works services in order to maintain or enhance these services while improving efficiencies. (This is an advisory vote only.)

Per petition of the Board of Selectmen

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds \$15,000 to augment the FY18 Sewer Salaries Accounts, or to take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 11. To see if the Town will vote to raise and appropriate or transfer from available funds \$17,000 to augment the FY18 Water Salaries Accounts, or to take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 12. To see if the Town will vote to raise and appropriate or transfer from available funds \$150,000 to augment the FY18 Reserve Account for the purpose of repairing storm damage, or to take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 13. To see if the Town will vote to raise and appropriate or transfer from available funds \$252,011 to be deposited into the Town's Other Post Employment Benefits Trust Fund, subject to said appropriation being expended from the Trust Fund only for the purposes authorized by section 20 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts; or take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 14. To see if the Town will vote to accept the provisions of G.L. c. 44, §53F ¾ and establish a special revenue fund known as the “PEG – Public, Education, Government -- Access and Cable Related Fund”, into which account shall be deposited funds received in connection with a franchise agreement between a cable operator and the town. Monies in the fund shall only be appropriated for the purposes identified in G.L. c. 44, Section 53F¾; and further to vote to appropriate \$160,000 from the fund for the purpose of installing a new fiber cable loop that serves municipal facilities in furtherance of broadcasting PEG programming; or take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 15. To see if the Town will vote, pursuant to the provisions of G.L. c.44, §53E½ as most recently amended, to set the following Fiscal Year 2019 spending limitations on expenditures from the revolving fund(s) set forth in the Town’s Revolving Fund By-law, Article IV, Section 11 of the General By-laws:

Program or Purpose: Costs Associated with Town of Manchester-by-the-Sea Recreation Programs; FY2019 spending limit: \$260,000.

Or take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 16. To see if the Town will vote to amend the Town’s General Bylaw Article XVII, General Wetlands Bylaw, Section 1, Purpose, by adding the protection of unspoiled wetland scenery to the list of interests already protected under the Manchester-by-the-Sea General Wetlands Bylaw. The amended section would read as follows (added language is highlighted and underlined):

Article XVII, SECTION 1. Purpose

The purpose of this By-Law is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Manchester-by-the-Sea (“Town”) by controlling initiatives and activities deemed by the Town Conservation Commission (“ConCom”) likely to have a significant effect, immediate or cumulative, on the: protection of public or private water supply; protection of groundwater supply; flood control; erosion and sedimentation control; storm damage prevention, including coastal storm flowage; water quality; avoidance of water pollution; protection of fisheries; protection of land containing shellfish; protection of wildlife habitat and rare species habitat; unspoiled wetland scenery; agriculture; aquaculture; and other resource area values deemed important to the Town.

Per petition of the Conservation Commission

ARTICLE 17. To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new **Section 6.21 Marijuana Establishments**, that would provide as follows, with the understanding that in accordance with G.L. c.94G, Section 3(a)(2) such bylaw must also be approved by the voters of the Town at an election:

Section 6.21. Consistent with G.L. c. 94G, Section 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c. 94G, Section 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana related businesses, shall be prohibited within the Town of Manchester-by-the-Sea.

Or take any other action relative thereto.

Per Citizen Petition

ARTICLE 18. To see if the Town will vote to amend Article X, of the General By-laws by adding a **new Section 44 Marijuana Establishments** that would provide as follows, with the understanding that in accordance with G.L. c.94G, Section 3(a)(2) such bylaw must also be approved by the voters of the Town at an election:

Article X Section 44. Consistent with G.L. c. 94G, Section 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c. 94G, Section 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana related businesses, shall be prohibited within the Town of Manchester-by-the-Sea.

Or take any other action relative thereto.

Per petition of the Board of Selectmen

ARTICLE 19. To see if the Town will vote to amend the Town’s Zoning Bylaw by replacing **Section 6.19 REGULATION OF MEDICAL MARIJUANA TREATMENT CENTERS OR REGISTERED MARIJUANA DISPENSARIES** with a new **Section 6.19 Regulation of Marijuana Businesses** that allows for additional marijuana establishments only in the Limited Commercial District as follows (language to be deleted is shown with a strike through and language to be added is underlined), or take any other action relative thereto:

6.19 REGULATION OF MEDICAL-MARIJUANA BUSINESSES TREATMENT CENTERS OR REGISTERED MARIJUANA DISPENSARIES

6.19.1 Purpose

The purposes of this By-Law are:

to exercise lawful oversight and regulation of Medical Marijuana Treatment Centers (also known as Registered Marijuana Dispensaries) and Marijuana Establishments, together referred to herein as Marijuana Businesses, consistent with Chapter 369 of the Acts of 2012, An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017, all regulations which have or may be issued by the Department of Public Health and/or the Cannabis Control Commission, including, but not limited to 105 CMR 725.00 et seq. and 935 CMR 500.00, et seq., and the Town's regulatory powers; and to limit the siting and operation of ~~Medical-Marijuana Treatment Centers~~ Businesses to locations appropriate to such use, and to regulate such use through conditions necessary to protect community safety while ensuring legitimate patient access.

6.19.2 Applicability

1. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana ~~for medical use~~ is prohibited unless permitted as a Medical Marijuana Business Treatment Center under this By-Law.
2. No ~~Medical-Marijuana Treatment Center Business~~ shall be established except in conformity with this By-Law and all applicable laws and regulations, including with all such regulations as may be promulgated by the Board of Health; and the requirements of 105 CMR 725.00 et seq. and 935 CMR 500.00, et seq.
3. Nothing in this By-Law shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.

6.19.3 Definitions

Where not expressly defined in the Zoning By-law, terms used in this bylaw shall be interpreted as defined in G.L. c.94I and G.L. c.94G and regulations promulgated and/or incorporated thereunder, and otherwise by their plain language.

~~Marijuana means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. Marijuana also includes Marijuana infused Products (MIPs) except where the context clearly indicates otherwise.~~

~~Marijuana Business means a Medical Marijuana Treatment Center, Marijuana Establishment, or any combination or part thereof.~~

~~Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business for the non-medical, including recreational use of marijuana, as set forth in G.L. 94G, and any regulations promulgated thereunder.~~

~~Marijuana infused Products (MIP) means a product infused with Marijuana that is intended for use or consumption, including, but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Registered Marijuana Dispensary, shall not be considered a food or drug as defined in M.G.L. c. 91, Section 1.~~

~~Medical Marijuana Treatment Center as defined by 105 CMR 725.000, et al., as it may be amended or superseded, and pursuant to all other applicable state laws and regulations, means a not-for-profit entity registered under 105 CMR 725.100, otherwise to be known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, as those terms are defined under 105 CMR 725.004. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of Marijuana.~~

~~Medical use of marijuana means the acquisition, cultivation, possession, processing (including development of related products such as tinctures, aerosols, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of Marijuana for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof, as those terms are defined under 105 CMR 725.004~~

~~Registered Marijuana Dispensary (RMD) has the same meaning as Medical Marijuana Treatment Center~~

~~Special Permit Granting Authority (SPGA) pursuant to this By-Law shall be the Planning Board.~~

6.19.4 Eligible Locations

- ~~1. Medical Marijuana Treatment Centers Businesses may be allowed by Special Permit in the Limited Commercial Zoning District, subject to all requirements of this Zoning By-Law, the requirements of the Board of Health, and of 105 CMR 725.00 et seq. applicable state laws and regulations.~~

6.19.5 General Requirements and Conditions

~~The following requirements and conditions shall apply to all Medical Marijuana Treatment Centers Businesses:~~

- ~~1. All Medical Marijuana Treatment Centers Businesses must obtain a special permit from the Planning Board pursuant to the requirements of Section 6.4 (Signs), 6.9 (Site Plan Review Special Permit), Section 7.5 (Special Permits) and the requirements of Section 6.19. The Planning Board may grant a single special permit incorporating the requirements of Sections 6.4, 6.9, 7.5 and 6.19 for a Medical Marijuana Treatment Centers Business.~~
- ~~2. No Special Permit shall issue without demonstration by the applicant of compliance with all applicable state laws and regulations, and with all local regulations.~~
- ~~3. No Medical Marijuana Treatment Center Business shall be located within 300 feet of a residential zoning district, or within 500 feet of any lot containing a school, child care facility, or playground.~~

4. No smoking, burning or consumption of any product containing Marijuana or Marijuana-infused products shall be permitted on the premises of a ~~Medical-Marijuana Treatment Center Business~~ Business except as may be expressly permitted by law.
5. No products shall be displayed in the facilities windows or be visible from any street or parking lot.
6. Signs for all ~~Medical-Marijuana Treatment Centers-Businesses~~ shall, at a minimum, comply with Section 6.4 of the Zoning By-Law, the provisions of 105 CMR 725.105(L) ("Marketing and Advertising Requirements"), the provisions of 935 CMR 500 et seq., and the terms and conditions of the special permit issued pursuant to Section 6.19, et seq.

6.19.6 Special Permit Requirements

A ~~Medical-Marijuana Treatment Center-Business~~ shall be allowed only by Special Permit in accordance with G.L. c. 40A, s. 9; with the requirements of Section 7.5 et seq. of the Zoning By-Law, with the terms and conditions of the special permit issued pursuant to Section 6.19, et seq. and with the additional requirements contained in this Section (6.19.6), below.

1. Uses. A Special Permit for a ~~Medical-Marijuana Treatment Center-Business~~ shall be limited to one or more of the ~~following-uses for which RMD's and Marijuana Establishments are authorized to engage in by law~~.

- A. ~~cultivation of Marijuana for Medical Use~~
- B. ~~processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; or~~
- C. ~~retail sale or distribution of Marijuana for Medical Use to Qualifying patients, as that term is defined in 105 CMR 725.001~~

2. Application. In addition to the application requirements set forth in the rules of the Special Permit Granting Authority, a Special Permit application for a ~~Medical-Marijuana Treatment Center-Business~~ shall include the following:

- A. The name and address of each owner of the establishment and property owner;
- B. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment;
- C. Evidence of the applicant's right to use the site for the establishment, such as a deed, or lease;
- D. Proposed security measures for the ~~Medical-Marijuana Treatment Center-Business~~ demonstrating compliance with all requirements of 105 CMR 725.110, "Security Requirements for Registered Marijuana Dispensaries," including but not limited to secure storage areas, limited access areas, security and alarm systems compliant with 105 CMR 725.110(D), and the requirements of 935 CMR 500 et seq. A copy of the approved security measures shall be provided to the Police Department.

~~Pursuant to 105 CMR 725.200 (C), The above information is may be confidential and exempt from the provisions of G.L. c. 66, and as such it shall not be part of the public record.~~

- E. As applicable, the Proposed Operations and Maintenance Manual for the Medical Marijuana Treatment Center demonstrating compliance with all requirements of 105 CMR 725.110, "Security Requirements for Registered Marijuana Dispensaries," including but not limited to procedures for limiting access to the facility to persons authorized under 105 CMR 725.110(A); and procedures for transport of Marijuana and/or MIPs as provided under 105 CMR 725.110(E).

~~Pursuant to 105 CMR 725.200 (C), the above information is may be confidential and exempt from the provisions of G.L. c. 66, and as such it shall not be part of the public record.~~

3. Hours of Operation. The hours of operation of a ~~Medical-Marijuana Treatment Center-Business~~ shall be established by the Special Permit Granting Authority.
4. Term of a Special Permit. Special Permits shall be valid for a period of two (2) years from the effective date of the special permit.
5. Transferability of a Special Permit. Special Permits may be transferred only with the approval by the Special Permit Granting Authority, in the form of an amendment to the Special Permit, conditioned upon satisfactory submission of all information required for an original Special Permit.
6. Renewals. A Special Permit may be renewed for successive two (2) year periods provided that a written request for renewal is made to the Special Permit Granting Authority not less than three (3) months prior

to the expiration of the then-existing term. Any request for a renewal of a Special Permit shall be subject to publication notice requirements as required for an original application for a Special Permit. Such notice shall state that the renewal request will be granted unless, prior to the expiration of the existing Special Permit, a written objection, stating reasons for such objection, is received by the Special Permit Granting Authority.

- 6.1. If any such objection is received, the Special Permit Granting Authority shall hold a public hearing on the renewal request and shall proceed in a manner consistent with the proceedings required for an original application.
- 6.2. The Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Special Permit Granting Authority either granting or denying the Special Permit renewal request.
- 6.3. In granting any renewal, the Special Permit Granting Authority may alter or impose additional conditions, and/or may provide for revocation of the Special Permit if any identified violations of this By-Law or any other applicable regulation are not corrected within a specified time period.

6.19.7 Severability

If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable. [Added 2015]

Per Petition of the Board of Selectmen

ARTICLE 20. To see if the Town will vote to support “Flowers for Freedom”, a community service project that aims to put carnations on all veteran’s graves in town cemeteries for Memorial Day and to raise and appropriate or transfer from available funds \$1,000 for this purpose.

Per Citizen Petition

ARTICLE 21. To see if the Town will vote to raise and appropriate or transfer from available funds \$100,000 to the Stabilization Fund, or take any other action relative thereto.

Per Petition of the Board of Selectmen

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


And you are directed to serve this warrant by posting attested copies thereof, one at the Town Hall Building, one at the Police Station, one at the Fire House, one at the Memorial School, and one at the Post Office, twenty-one (21) days, at least, before the time of holding said meeting.

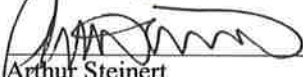
Hereof fail not to make due return of this warrant, with your doings thereon, to the Town Clerk three (3) days before the day of this meeting.

Given under our hands at Manchester-by-the-Sea, aforesaid, this 8th day of March 2017.

BOARD OF SELECTMEN


Eli G. Boling, Chairman


Susan M. Beckmann, Vice Chairperson

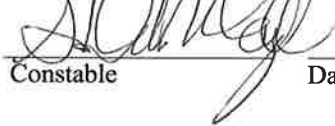

Arthur Steinert


Thomas P. Kehoe


Margaret F. Driscoll

To the Town Clerk:

I have served the foregoing Warrant by posting attested copies thereof as directed by the By-Law of the Town and the Commonwealth.


Constable

3/12/18
Date of Posting


Received by Town Clerk

