

## **SPECIAL TOWN MEETING – November 13, 2023**

Memorial Elementary School, 43 Lincoln Street, Manchester, MA 01944, 6:30pm

The quorum of 100 voters was reached by 6:30pm and Moderator Wilson called the Special Town Meeting to order at 6:33pm. After the Pledge of Allegiance and the Moderator's procedural comments and thanks to volunteers, he reminded the Meeting of Manchester's tradition of civil and respectful debate. "It is a tradition I will uphold as long as I am Moderator," he said. The Meeting then set itself to the business of the day.

The final tally of attendees was 448 voters plus 26 non-voters. There were 4,394 registered voters in Manchester-by-the-Sea.

Ann Harrison, Chair of the Select Board, called attention to the small procedural issue relating to four citizen petition articles which are on this warrant as Select Board articles. Because one of the four did not have enough certified signatures, the Select Board decided to bring all four on to the warrant to be heard. Ms. Harrison asked the Town for civil discourse and that, while we may have differences of opinions, we can treat each other kindly while we debate the merits of the articles. She stressed that everyone here only wants what's best for the Town.

**ARTICLE 1:** To see if the Town will vote to amend the General Bylaws, Article 2: Town Meetings, Section 1 changing the date of the Annual Town Meeting from the first Monday in April to the fourth Monday in April or take any other action relative thereto.

*Per petition of the Select Board*

The Select Board & Finance Committee recommended approval.

**John Round moved, and Brian Sollosy seconded the motion as presented in the article.**

John Round, Vice Chair of the Select Board, explained to the Meeting that the Town needs more time to properly prepare the budget for the Annual Town Meeting and moving the ATM date back would allow for that.

Irme Kahle, 17 Lincoln Street, voiced her concern about the fourth Monday in 2024 being Passover and was prepared to make an amendment.

Moderator Wilson explained that the Select Board does have the right to make adjustments to the date of any Town Meeting in situations like that so that amendment is not needed.

With 407 voters checked in, the vote was 344 yes, 13 no and 2 abstained.

**The motion under Article 1 prevailed by a majority.**

**ARTICLE 2:** To see if the Town will vote to raise and appropriate or transfer from available funds \$30,000 for the purpose of paying for enhanced security to the Town's computer network or take any other action relative thereto.

*Per petition of the Select Board*

The Select Board and the Finance Committee recommended approval.

**Cathy Bilotta moved, and Brian Sollosy seconded the motion to raise and appropriate \$30,000 in FY24 for the purpose of paying for enhanced security to the Town's computer network.**

Cathy Bilotta, Select Board member, explained that Manchester is one of seven communities in the North Shore Information Collaborative headed up by the Town of Danvers and that one town within that collaborative did have a cyber breach. For that reason, the Select Board is asking for this money to enhance our systems.

There was no discussion.

With 407 voters checked in, the vote was 359 yes, 8 no and 5 abstained.

**The motion under Article 2 prevailed by a majority.**



3. Garaging or maintaining of more than 4 automobiles when accessory to a dwelling	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N
4. Tennis court, or similar court when accessory to a dwelling	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N
5. Swimming pool accessory to a dwelling as defined in section 4.3.2	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N
6. Accessory Dwelling Unit (12)	ZBA	ZBA	ZBA	N	N	ZBA	ZBA	N
7. As part of an existing garage, stable or other existing structure, <del>family living quarters for an employee of the owner/occupant</del> <b>on an owner-occupied property</b> (13)	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	N
8. Customary home occupation conducted in a dwelling by a person residing on the premises (14)	Y	Y	Y	Y	Y	Y	Y	N
9. Accessory uses or structure on the same lot with and customarily incidental to a permitted main use on the same premises, including off-street parking	Y	Y	Y	Y	Y	Y	Y	Y
10. Family day care home, large	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
11. Family day care home, small	Y	Y	Y	Y	Y	Y	Y	Y
12. Adult social day care	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
<b>F. OTHER</b>								
1. Matters (including the construction or alteration of any structure or the use thereof) all or any part of which is within tideland lying below Mean High Water (per U.S. Geodetic Survey) (15)	N/A	PB	PB	N/A	N/A	PB	PB	N/A

NOTES TO TABLE:

**Note 13:** Living quarters, as ~~As~~ part of an existing garage, stable or other existing structure on an owner-occupied property and 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.~~ **Short-term rentals as defined by MGL c64G §1 and MBTS General Bylaw Article X §20.C, are prohibited within this accessory use.**

*Per Petition of the Select Board and Planning Board*

The Select Board recommended approval.

The Planning Board recommended approval via its report:

The Board voted 5-2 to recommend this article. The change removes language that may be discriminatory and maintains the special permit oversight of this accessory use. The Board held a public hearing required by Ch. 40A, section 5 on October 23, 2023. That the hearing was properly noticed and otherwise conducted in accordance with section 5. The hearing was properly noticed in the Manchester Cricket on September 29 and October 6, 2023. The notice was also posted in Town Hall and the Public Library, with copies of the language being provided for public review.

**Sarah Creighton moved, and Ron Mastrogiacomo seconded the motion to amend the Town's zoning Bylaw, Section 4.2, Table of uses as presented in the handout provided at the Special Town Meeting.**

Sarah Creighton, Vice Chair of the Planning Board stated that the anonymous postcard that was sent to households held incorrect information and that this article is only making a three-part change.

1. Add a requirement that owners reside on the property -- the goal is to prevent landlord investors from using this provision.
2. Add a clause to prohibit short-term rentals, less than 30 days.
3. Delete "employee" – this allows all property owners the same rights as those who happen to have live-in employees. This may allow you to meet your family's needs – perhaps to house an elderly relative, or to have a rental for additional income.

A recess was held to allow for voters to exchange their clickers.

At 7:20, the Meeting reconvened and held 2 test votes which went smoothly.

The discussion included questions and comments in opposition of the motion by Karen Bennet, 28 Lincoln Street, Sandy Rogers, 82 Old Essex Road, Mary Foley, 2 Pulaski Drive, Christina Delisio, 6 Lincoln Avenue and John Keefe, 8 Victoria Road.

Jeff Bodmer-Turner, 89 School Street moved the question. The motion to cut off debate was seconded. The motion prevailed by a 2/3rds vote.

Voting by hand count showed that there were 235 yes and 162 no.

**The main motion under Article 4 failed by a count of 235 yes, 162 no, less than the two-thirds required by M.G.L. Ch. 40A, § 5.**

Christina Delisio, 6 Lincoln Avenue moved to reconsider Article 3 due to the electronic voting situation. That motion was seconded.

**The motion to reconsider Article 3 failed.**

**ARTICLE 5:** To see if the Town will vote to raise and appropriate or transfer from available funds \$916 to pay for prior fiscal year expenses or take any other action relative thereto.

*Per Petition of the Select Board*

The Select Board and Finance Committee recommended approval.

**Ann Harrison moved, and Becky Jaques seconded the motion to raise and appropriate \$916 to pay for prior fiscal year expenses.**

Ann Harrison, Chair of the Select Board, stated that this article is unusual because it does not name the specific persons being repaid. She explained that the money requested was to pay back several people for past parking tickets that were subsequently rescinded.

There was no discussion.

**The motion under Article 5 by a count of 350 yes, 29 opposed, more than the nine-tenths required by M.G.L. Ch. 44, §64.**

**ARTICLE 6:** To see if the town will vote to authorize the purchase of a new sport utility vehicle for the Fire Department for a cost of \$64,000 and to fund this purchase from unused funds in the appropriation for the Fire Department's new ladder truck as approved at the June 2023 Special Town Meeting or take any other action relative thereto.

*Per petition of the Select Board*

The Select Board and Finance Committee recommended approval.

**Becky Jaques moved, and Ann Harrison seconded the motion as presented in the article.**

Select Board member Becky Jaques stated that there is no new money being sought for this article because there was money left over from the ladder truck purchase. The new utility truck will provide more nimble Advanced Lifesaving medical responses during simultaneous medical calls. Finance Committee Chair Sarah Mellish explained that this would limit the wear and tear on the pumper truck.

There was no discussion.

**The motion under Article 6 prevailed by unanimous vote.**

**ARTICLE 7:** To see if the Town will vote to reallocate funds in the amount of \$35,000 in the FY24 Conservation Commission salary budget to a new Professional Services account within the Conservation Commission budget and to reallocate funds in the amount of \$10,000 in the FY24 Planning Department salary budget to the Professional Services account within the Planning Department Budget to accommodate changes from in-house employees to contracted services for the Conservation Agent and Town Planner or take any other action relative thereto.

*Per petition of the Select Board*

The Select Board and Finance Committee recommended approval.

**Cathy Bilotta moved, and Becky Jaques seconded the motion as presented in the article.**

Cathy Bilotta, Select Board member, explained that this was not requesting additional money but was a transfer of money from one account to another to pay contracted services instead of in-house staff..

There was no discussion.

**The motion under Article 7 prevailed by a majority.**

**ARTICLE 8:** To see if the Town will vote to authorize the Select Board to enter into a lease agreement for up to 10 years with Harbor's Point Associates for the use of the Community Center building for various community needs and to raise and appropriate or transfer from available funds \$10,000 for expenses related to the use of the building or take any other action relative thereto.

*Per petition of the Select Board*

The Select Board and Finance Committee recommended approval.

**Brian Sollosy moved, and Ann Harrison seconded the motion to authorize the Select Board to enter into a lease agreement for 10 years with the option to renew with Harbor's Point Associates for the use of the Community Center Building for various community needs and to raise and appropriate \$10,000 for expenses related to the use of the building.**

Brian Sollosy, Select Board member, explained the situation that has come up between the Manchester Community Center (MCC) and their landlord, Harbor's Point Condominium Association (HPA). On September 12, 2023, the MCC came to Town to see if they could assist with the situation. The Town then worked to find a creative solution which became this, a lease agreement.

Sarah Creighton, Vice Chair of the Planning Board stated the Planning Board's recommendation to approve the motion. The Planning Board submitted its report:

At the October 30, 2023 public meeting, the Planning Board voted 4-2 to recommend Article 8 authorizing the Select Board to enter into a lease agreement with Harbor's Point Associates for the use of the Community Center building. The Board supports the continued operation of the Manchester Community Center and the Select Board's effort to find common and mutually beneficial uses.

Sarah Mellish, Chair of the Finance Committee, explained that the Finance Committee felt this was a cost-effective solution to the issue and recommended approval.

Patrick Meehan, 384 Summer Street and Co-President of the MCC explained the dispute between the HPA who owns the land and the MCC who owns the building. Mr. Meehan expressed his appreciation for all those in Town who stepped up for the MCC. He will be asking to withdraw Article 11 and did promote a yes vote on this article.

The discussion included several administrative questions from Bill Shipman, 15 Overledge Road, Mechelle Brown, 67A Lincoln Street, Susan Halpern, 3 Bell Court, Sheila Hill, 2 Running Ridge Road, Tim Gates, 2 Desmond Avenue, Sandy Rogers, 82 Old Essex Road, Jim Brady, 10 Lincoln Avenue and Janique Oshea, 63 School Street. Town Administrator Greg Federspiel responded to the questions and made note that it is the Select Board's intention to continue the use of the building as is and to expand into additional uses. It was also noted that the type of lease, ground or building lease as well as the assessment of the building will all be considered as the project moves forward.

Gar Morse, 11 Jersey Lane moved the question, and the motion was seconded.

The motion to end debate prevailed by 2/3rds.

**The main motion under Article 8 prevailed by a 2/3rds majority.**

**ARTICLE 9:** To see if the Town will vote to amend the Town's General Bylaws Article XIV Resident Parking by deleting the location resident vehicle stickers are to be placed, amending the process for obtaining stickers, clarifying where parking placards may be used, and authorizing the Select Board to designate streets for resident only parking instead of listing these in the bylaw or take any other action relative thereto.

#### ARTICLE XIV RESIDENT PARKING

##### SECTION A1 Resident Parking, Permission to Park Passenger Vehicles on Certain Streets

Where parking or standing of a passenger vehicle is not otherwise prohibited by the Traffic Rules and Regulations of the Town of Manchester, adopted by the Board of Selectmen on May 10, 1949, as amended, parking on certain streets designated in ~~Schedule A of this by-law~~ **by the Select Board after a public hearing** shall be limited only to passenger vehicles registered under Chapter 90 of the Massachusetts General Laws, as principally garaged in the Town of Manchester, bearing a sticker as provided for in Section A2 hereof.

However, vehicles without a sticker may park in legal parking spaces on Allen Avenue, Arbella Street, Brook Street, Lincoln Street, Norwood avenue, Pleasant Street Extension, Rosedale Avenue, and ~~vine~~ **Vine** Street from within one hour before to one hour after **all scheduled School athletic games and special** School events at both the schools and the Brook Street playground and athletic field. [Added 2010]

SECTION A2 Resident Parking, Resident Parking Sticker, Application Procedure, Visitors' Permit, Fees

The owner of a passenger vehicle having a capacity of less than one (1) ton and so garaged, who intends to park on a street designated in Schedule A of this by law, may file with the Clerk of the Board of Selectmen of the Town of Manchester, notice of his or her intention to park in said area. Evidence of this rendering of such notice shall be in the form of a sticker to be displayed on the left rear window of the vehicle. Such sticker shall be valid for one year and shall expire on May 31st of each year. Application for the sticker provided for herein shall be made in writing on forms prescribed by the Board of Selectmen and shall include but not be limited to the following information:

- \_\_\_\_\_ (a) Name of the owner of the vehicle to be registered for resident parking;
- \_\_\_\_\_ (b) Residential address;
- \_\_\_\_\_ (c) Vehicle make, color and year;
- \_\_\_\_\_ (d) State registration number.

Upon application for a sticker, the vehicle owner shall be required to present his or her vehicle registration certificate in verification of the information requested on the parking sticker application.

**Every passenger vehicle having a capacity of less than one (1) ton registered to a resident and is so garaged is entitled to a resident sticker which will be provided by the Town.** Each resident parking sticker shall entitle the bearer to park his or her vehicle on any street in the Town of Manchester, provided there is space available and provided parking is permitted in said area. Said sticker does not permit parking in an area otherwise restricted by the Traffic Rules and Regulations of the Town of Manchester. ~~The resident parking sticker may be obtained at the office of the Town Clerk of the Town of Manchester by the Sea.~~ Said parking sticker shall **have a printed expiration date.** and shall expire on May 31st of each year.

Each residence is eligible to obtain up to two (2) visitor placards from the Parking Clerk. Such placard is to be used in any ~~street~~ resident area that is not otherwise restricted by the Traffic Rules and Regulations of the Town of Manchester. **Visitor placards shall have a printed expiration date. Additionally, visitor placards may be used in any of the following municipal lots: Norwood St, Brook St, Town Hall, and Masconomo Park. Visitor placards are not permitted at Singing Beach, Tuck's Point or White Beach.**

~~Each residence located on a street designated in Schedule A shall be eligible for the issuance of two (2) portable Visitor Parking permits which shall be used by the visitors of said residence. Said portable Visitor Parking permit shall bear the address of the residence and may be used only in the immediate vicinity of the residence. Said portable Visitor Parking permits shall be issued at the office of the Town Clerk of the Town of Manchester, shall be valid for one year, and shall expire on May 31st of each year.~~

This by-law shall take effect on June 30th, 1983. [Amended 1994,2010]

~~SCHEDULE A~~ Resident Parking Streets, Town of Manchester-by-the-Sea Motor Vehicle and Traffic By-laws

<u>Location</u>	<u>Side</u>	<u>From and To</u>
1. School Street	West	Entire length
2. North Street	North	Entire length *
3. Desmond Avenue	North	Entire length *
4. Brook Street	South	Entire length *
5. Putnam Court	Both	Entire length *
6. Vine Street	South	Norwood to Lincoln *
	North	Norwood to School *
7. Rosedale Avenue	South	Entire length *
8. Arbella Street	East	Entire length *
9. Lincoln Avenue	Both	Entire length *
10. Lincoln Street	North	Entire length *
11. Burnham Lane	South	Entire length *
12. Sumac Lane	Both	Entire length *
13. Friend Street	Both	Entire length *
14. Pleasant Street Ext.	Both	Entire length *
15. Pleasant Street	North	Entire length *
16. Willmorton Avenue	Both	Entire length *
17. Windemere Park Ext.	Both	Entire length *
18. Knight Road	Both	Entire length *
19. Pulaski Drive	West	Entire length *
20. Crafts Court	Both	Entire length * Alpine Road Both
		Entire length *
21. Tanglewood Road	Both	Entire length *
22. Woodholm Road	Both	Entire length *
23. Deer Hill Road	Both	Entire length *
24. Pine Street	Both	except for area 1600 feet on west side of Parkhurst's Garage north
25. Norwood Avenue	West	Entire length *
26. Allen Avenue	West	Entire length *
27. Washington Street	South	Entire length *
28. Bennett Street	South	Entire length *
29. Church Street	None	Entire length *
30. Morse Court	None	Entire length *
31. Elm Street		east from corner to Paul Lorenze Driveway
32. Brook Street	Parking Lot	under jurisdiction of the School Department
33. Bridge Street	Both	From Pine to Ashland *
35.		
36. Brook Street	North	Summer to Norwood Avenue
37. Norwood Avenue	East	Brook Street to Lincoln Street
38. School Street	Baptist Church	two-hour visitor parking
39. Brook Street	Wetterlow	two-hour visitor parking
40. Vine Street	Magnuson	two-hour visitor parking
41. Harold Street		
Mark Street		



~~Country Club Drive~~

~~Skytop Drive~~

~~42. Forest Street from Summer Street to Ledgewood Road 43.~~

~~Ledgewood Road~~

~~Ledgewood Circle~~

~~Birch Lane~~

~~Ancient County Way~~

~~44. Bennett Street northerly side to Bridge Street 45.~~

~~Walker Road~~

~~46. Greenbriar Road~~

~~\*Restrictions~~

~~apply from May 1 to October 1~~

~~[Adopted 1983; Amended 1984, 1986, 1993, 2010]~~

*Per Petition of the Select Board*

The Select Board recommended approval.

**Cathy Bilotta moved, and Brian Sollosy seconded the motion to amend Article XIV of the Town's General Bylaws as presented in the handout provided at the Special Town Meeting.**

Cathy Bilotta, Select Board member, explained that at a high level this article is to improve the efficiency of the distribution and placement of resident stickers. It does not include any changes to residential parking. Ms. Bilotta stated that there are 4 changes in the proposed bylaw and those are 1) Select Board will review street designations via public hearings at least annually but could be any time of year, 2) clarifies the types of school events that allow visitor parking on specific residential streets, 3) brings the sticker disbursement processes into alignment with the current procedures, 4) clarifies the visitor placard uses.

Christina Delisio, 6 Lincoln Avenue, Matthew Coombes, 3 Windemere Park Extension had administrative questions that Town Administer Greg Federspiel answered.

Eli Boling, 99 Pleasant Street, supported the changes.

**The motion under Article 9 prevailed by a majority.**

**ARTICLE 10:** To see if the Town will vote to amend the Town's General Bylaws, Article X Police and Other Regulations, Section 30A No Parking Zones by allowing two (2) new spaces along Beach Street just east of Tappan Street to compensate for parking spaces removed to create a new crosswalk at Reed Park or take any other action relative thereto.

*Per Petition of the Select Board*

The Select Board recommended approval.

**Brian Sollosy moved, and Becky Jaques seconded the motion to amend Section 30A of Article X of the Town's General Bylaw by adding the phrase "with the exception of two (2) parking spaces just east of Tappan Street" to the listing of no parking on Beach Street east of Tappan Street.**

Becky Jaques, Select Board member, explained that this is a to improve public safety while not losing any parking spots.

Ron Skates, 4 Boardman Avenue likes the crosswalk plan however has concerns about the safety of adding those parking spots.

**The motion under Article 10 prevailed by a majority.**

**ARTICLE 11:** To see if the Town will vote to raise or appropriate, or transfer from available funds a sum of money to be utilized and spent for the purpose of acquiring by purchase, or acquisition by eminent domain land, buildings, spaces and or fixtures making up a portion of the property currently occupied by the Manchester Community Center, whatever its corporate form, adjacent to the railroad tracks and an easement for the right to pass and repossess, and to authorize the Selectmen to so acquire by purchase or eminent domain, said property currently and rights occupied by the Manchester Community Center for the purpose of operating a Community Center, by the Manchester Community Center, whatever its corporate form, or its non-profit successor, and to direct the Selectmen to take steps to procure by purchase or eminent domain the fee simple to the land underlying the Community Center, where located as of September 1, 2023, or to see what action it will take thereon.

*Per petition of the Select Board*

The Select Board and Finance Committee did not recommend approval.

**Patrick Meehan, Co-President of the Manchester Community Center moved, and Raquel Prezesiek seconded to pass over, take no action under Article 11.**

The Planning Board did not recommend approval and submitted its report:

At the October 30, 2023 public meeting, the Planning Board voted 4-2 against Article 11 authorizing action and funds to acquire by purchase or eminent domain property currently occupied by the Manchester Community Center. The board supports the continued operations of the Manchester Community Center and the Select Board's efforts to find common ground and mutually beneficial uses by negotiating a lease as proposed in Article 8. The Board finds that the purchase or use of eminent domain is not appropriate at this time.

There was no discussion.

**The motion to pass over and take no action on Article 11 prevailed by unanimous vote.**

**ARTICLE 12:** To add to the General Bylaw of the Town of Manchester-by-the-Sea, a new section reading as follows:

Any zoning amendment adopted by the Town Meeting shall not go into effect without submission to the ballot in accordance with St. 1991, c. 270, Section

*Per petition of the Select Board*

The Select Board did not recommend approval.

**Morgan Evans, 20 Boardman Avenue, moved that "No amendment to the Zoning Bylaw shall be valid unless the motion calling for the amendment shall be adopted by a vote on a printed ballot at a town election after full opportunity for debate." The motion was seconded.**

Morgan Evans, 20 Boardman Avenue explained that this was to ensure that approved bylaws makes sense to all voters, It would allow voters to think about such changes before they vote on them.

Ann Harrison, Chair of the Select Board, explained that the Select Board opposed this article and preferred to follow the advice of Town Counsel who has indicated the proposal would not likely be approved by the A.G.'s office.

Ron Mastrogiacomo, Chair of the Planning Board explained the reasoning behind the Planning Board not endorsing this article. The Planning Board submitted this report.

The Planning Board met on October 30<sup>th</sup> and voted 4-2 to recommend not approving the article. Members of the Board felt that the final decision regarding zoning amendments should be made at Town Meeting where voters can hear and participate in the debate and make an informed decision after hearing the pros and cons of a proposed article. Furthermore, the PB had concerns about the legality of making zoning amendments subject to a second vote as this is inconsistent with state law and court cases on similar attempts by other municipalities.

Town Counsel, Robin Stein of KP Law, explained that she did not believe the Attorney General would approve this bylaw amendment as it is inconsistent with State Law.

Opponents to the article were Gary Gilbert, 11 Magnolia Avenue, Tom Kehoe, 20 Lincoln Street and Alexandra Garcia-Mata, 70 Lincoln Street.

Cathy Bilotta, 21 Pine Street spoke as a private citizen in support of the article.

Wendy Dixon, 295 Summer Street, moved the question. It was seconded.

The motion to end debate prevailed by more than 2/3<sup>rd</sup>.

**The main motion under Article 12 failed.**

**ARTICLE 13:** To see if the Town will vote to authorize, and direct, the Selectmen to convey and reconvey, from the Town of Manchester by the Sea to the Town of Manchester by the Sea, subject to the dictates of Article 97 of Amendment of the Massachusetts State Constitution, certain land held by the Town making up Powder House Hill Reservation, including parcels identified by the Assessors as Parcel 42-0-4, Parcel 42-0-10, Parcel 41-0-96, and Parcel 41-0-59.

*Per petition of the Select Board*

The Select Board recommended approval.

**Donna Furse, 8 Blossom Lane moved that the certain land held by the Town and making up Powder House Hill Reservation, including parcels 42-0-4, 42-0-10, 41-0-96, and 41-05-59, be permanently dedicated to the protections of Article 97 of the Amendments to the Massachusetts State Constitution for the purpose of retaining said land as conservation and passive recreation purposes. The motion was seconded.**

Donna Furse, 8 Blossom Lane introduced the article with an historic perspective back to 1810 and an explanation of Article 97 of the Amendments to the Massachusetts's Constitution. Ms. Furse recommended that the Meeting vote along with the Select Board and Planning Board to preserve these wooded areas.

The Planning Board submitted its report:

Following discussion at the October 30, 2023 public meeting, and a vote at its November 13, 2023 public meeting, the Planning Board voted (6-0) in support of Article 13, authorizing the Select Board to convey certain parcels of land (42-0-4, 42-0-10, 41-0-96, & 41-0-59) to the dictates of Article 97. The Board supports the conservation uses of Powder House Hill Reservation, and supports the Select Board's recommendation and conclusion that the land is already subject to said restrictions.

John Round, Vice-Chair of the Select Board, stated that the Select Board approved this Article to reaffirm the status of the land under Article 97.

Steve Gang, Chair of the Conservation Commission explained that the Conservation Commission maintains these areas and that this article is a reaffirmation of the Town's intent to preserve this land. Questions from Matthew Coombes, 3 Windemere Park Extension and Wendy Dixon, 295 Summer Street regarding housing opportunities were answered by Mr. Gang. He concluded that it is important for the Town to have both preservation and housing.

**The motion under Article 13 prevailed by more than two-thirds..**

**ARTICLE 14:** To see if the Town will vote to authorize, and direct, the Selectmen to convey and reconvey, from the Town of Manchester by the Sea to a charitable corporation or trust whose purpose includes the preservation of land or water, under perpetual conservation deed restrictions prohibiting building structures, roads or signs and prohibiting the removal or destruction of trees and other vegetation, and prohibiting actions detrimental to water and soil conservation or other activities detrimental to water and soil conservation or other activities detrimental to the land to the retention of land or water conservation areas, under G.L. c. 184, Section 31-33, as are necessary to protect the green open space, certain parcels of land currently held by the Town making up the Powder House Hill Reservation, including parcels identified by the Assessors as Parcel 42-0-4, Parcel 42-0-10, Parcel 41-0-96, and Parcel 41-0-59.

*Per petition of the Select Board*

The Select Board did not recommend approval.

**Morgan Evans, 20 Boardman Avenue, moved to authorize the Select Board to convey from the Town of MBTS to a Charitable Trust, whose purpose includes the preservation of land and water, a perpetual conservation restriction in the parcels making up Powder House Hill Reservation, (including parcels 42-0-4, 42-0-10, 41-0-96, and 41-05-59), for the purpose of retaining open space. The motion was seconded.**

Morgan Evans, 20 Boardman Avenue, explained that the article would ensure that our conservation land remains as such and removes any ambiguity of use for future generations.

John Round, Vice Chair of the Select Board stated that the Select Board was opposed to this article because the Conservation Commission has been managing this land well since 1977 and no changes are needed.

Chris Olney, a Planning Board member, explained that the Planning Board does not recommend approval for this Article. The Planning Board submitted the following report:

Following discussion at the October 30, 2023 public meeting, and a vote at its November 13, 2023 public meeting, the Planning Board voted (4-2) against Article 14, authorizing the Select Board to place conservation restrictions on certain parcels of land (Parcels 42-0-4, 42-0-10, 41-0-96, & 41-0-59) that make up Powder House Hill Reservation. The Board supports the conservation uses of Powder House Hill Reservation, but recommends the property remain under the care and control of the Town.

Steve Gang, Chair of the Conservation Commission could not report for the Commission as the article came up too late for the commission to meet but personally, he was against it.

Nathan Fanton, 10 University Lane spoke in support of the article.

Jay Bothwick, 7 Boardman Avenue did not feel that there is enough information at this time to approve this article.

Isabella Bates, 2 Masconomo Street moved the question. It was seconded.

**The motion to end debate prevailed by more than two-thirds..**

**The vote on the main motion under Article 14 failed.**

At 9:34 pm, Ann Harrison moved to dissolve the Meeting. John Round seconded. The Moderator declared it a unanimous vote and declared the meeting dissolved. He thanked everyone for coming.

Submitted,  
Dianne K. Bucco  
Town Clerk  
November 27, 2023