

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 seventh day of April, two thousand and eight 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

*The Board of Selectmen recommends approval.*

**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:

Moderator	\$0.00
Chairman, Selectmen	\$0.00
Other four Selectmen	\$0.00
Chairman, Assessors	\$0.00
Other two Assessors (each)	\$0.00

Per petition of the Board of Selectmen

*The Board of Selectmen recommends approval.*

**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 North Shore Regional Vocational School District, or take any other action relative thereto.

Per petition of the Board of Selectmen

*The Board of Selectmen recommends approval.*

**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, 2008, and appropriate the same.

Per petition of the Board of Selectmen

*The Board of Selectmen recommends approval.*

**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.

	<u>Department</u>	<u>Item</u>	<u>Requested</u>	<u>Recommended</u>
1.	Police	Patrol Car	\$31,850	\$31,850
2.	Police	(2) Mobile Data Terminals	\$6,750	\$6,750
3.	Police	Cell Block Upgrade	\$28,000	\$28,000
4.	Fire	Station Apron & Ramp	\$20,500	\$20,500
5.	Fire	Insulated Garage Doors	\$30,000	\$30,000
6.	Fire	2000 Crown Victoria	\$23,000	\$23,000
7.	Public Works	Dump Truck Replacement (Unit 18)	\$62,000	\$62,000
8.	Public Works	1995 Pickup Truck Replacement (Unit 7)	\$27,000	\$27,000
9.	Public Works	1996 Pickup Truck Replacement	\$27,000	\$27,000
10.	Public Works	Install Fueling Facility	\$60,000	\$60,000
11.	Public Works	Install Highway Generator	\$2,500	\$2,500
12.	Public Works	Water Meter Reader Replacement / Technology	\$250,000	\$250,000
13.	Public Works	Lincoln Street Well Generator	\$30,000	\$30,000
14.	Public Works	Harbor Dredging	\$20,000	\$20,000
15.	Public Works	Chapter 90	\$138,000	\$138,000
		<b>TOTAL</b>	<b>\$770,400</b>	<b>\$770,400</b>

Per petition of the Board of Selectmen

*The Board of Selectmen will make a recommendation on the Town Meeting floor.*

**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 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 eight; or take any other action relating thereto.

Per petition of the Manchester-Essex Regional School Committee

*The Board of Selectmen recommends approval.*

**ARTICLE 7.** To see if the Town will vote to raise and appropriate the sum of \$1,500 to be expended under the direction of the Board of Selectmen to fund a grant to Action, Inc., 180 Main Street, Gloucester, MA to maximize available resources to meet human services programming needs identified by the community by providing services to local residents particularly those of low and moderate income, or take any other action appurtenant thereto.

Per petition of Gretchen A. Wood, et al

*The Board of Selectmen does not recommend approval.*

**ARTICLE 8.** To see if the Town will vote to raise and appropriate the sum of \$2,500 for Help for Abused Women and their Children (HAWC) of Salem, or take any other action appurtenant thereto.

Per petition of Charlotte Bendsorp Wilson, et al

*The Board of Selectmen does not recommend approval.*

**ARTICLE 9.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to fund and implement the new Contract between the Town of Manchester-by-the-Sea and the American Federation of State, County, and Municipal Employees, AFL-CIO, Local 687, State Council 93, Clerical Employees, or take any other action relative thereto.

Per petition of the Board of Selectmen

*The Board of Selectmen recommends approval.*

**ARTICLE 10.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to fund and implement the new Contract between the Town of Manchester-by-the-Sea and the Manchester Superior Police Officers Association, or take any other action relative thereto.

Per petition of the Board of Selectmen

*The Board of Selectmen recommends approval.*

**ARTICLE 11.** To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money for the town to enter into the Commonwealth of Massachusetts Northeast Massachusetts Mosquito Control and Wetlands Management District beginning July 1, 2008, or take any other action relative thereto.

Per petition of the Board of Health

*The Board of Selectmen recommends approval.*

**ARTICLE 12.** To see if the Town will vote to appropriate from the Community Preservation Fund and from the Community Preservation Fund estimated 2009 annual revenues, or to reserve for future appropriation sums of money for open space, historic resources, and community housing purposes and for the administrative expenses of the Community Preservation Committee for fiscal year 2009, as approved by the Community Preservation Committee and listed below; and further to appropriate from the Community Preservation Fund estimated Fiscal Year 2009 annual revenues a sum of money to the Fiscal Year 2009 budgeted reserve for general Community Preservation Act purposes; or take any other action in relation thereto.

- 1). \$12,000 for the restoration of historic Town records for Historic Preservation purposes;
- 2). \$25,000 for the restoration of trails at Chebacco Woods for Open Space purposes;
- 3). \$13,500 for Phase 1 restoration of Union Cemetery for Historic Preservation purposes;
- 4). \$10,000 for the preparation of a Recreational Facility Master Plan for Open Space purposes;
- 5). \$50,000 for Phase 1 restoration of Tuck's Point Rotunda for Historic preservation purposes;
- 6). \$11,573 to be deposited into the Community Preservation affordable Housing Reserve Fund for use in fiscal year 2010 or thereafter;
- 7). \$2,250 for administrative costs of the Community Preservation Committee.

Per petition of the Community Preservation Committee

*The Board of Selectmen recommends approval.*

**ARTICLE 13.** To see if the Town will vote to authorize the Board of Selectmen to grant a perpetual utility easement to Massachusetts Electric Company on land located on Lincoln Street, as shown on a sketch plan filed with the Town Clerk, for the purpose of providing underground electric power to the new high school, or take any action relative thereto.

Per petition of the Board of Selectmen

*The Board of Selectmen recommends approval.*

**ARTICLE 14.** To see if the Town will vote to accept the provisions of Chapter 32B, section 18 of the Massachusetts General Laws and to thereby require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, his/her spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, his/her spouse or dependents, be required to enroll in a Medicare health benefits supplement plan offered by the Town, and to take any other action related thereto.

Per petition of the Board of Selectmen

*The Board of Selectmen recommends approval.*

**ARTICLE 15.** To see if the Town will vote to transfer from the Conservation Commission for conservation purposes to the Board of Selectmen for purposes of sale, the parcel shown as Parcel B on a plan entitled "Plan of Land in Hamilton, MA" dated March 17, 2004 prepared by Hancock Associates for Nancy L. Peterson, said conveyance to be at no cost to the Town and upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, including a sale for nominal consideration:

and further authorize the Board of Selectmen to petition the Massachusetts General Court to approve the deeds to Nancy L. Peterson for the purpose of curing inadvertent encroachments onto Chebacco Woods pursuant to the provisions of Article 97 of the amendments to Constitution of the Commonwealth of Massachusetts;

and further authorize the Board of Selectmen to acquire from Nancy L. Peterson the parcel identified as parcel A on a plan entitled "Plan of Land in Hamilton, MA", dated March 17, 2004, prepared by Hancock Associates for Nancy L. Peterson, for incorporation into Chebacco Woods conservation land under the joint ownership of Manchester-by-the-Sea, and Hamilton, Massachusetts;

And further to authorize the Board of Selectmen and Conservation Commission to amend the conservation restrictions that are affected by these changes to reflect the new boundaries, and to take any other action relative thereto.

By petition of the Conservation Commission

*The Board of Selectmen recommends the advice of the Conservation Commission.*

**ARTICLE 16.** To see if the Town will vote to transfer from the Conservation Commission for conservation purposes to the Board of Selectmen for purposes of sale the parcel shown as Parcel B containing 20,008 s.f. more or less on a plan entitled “ Plan of Land in Hamilton and Wenham, MA”, dated March 17, 2004, prepared by Hancock Associates for Patrick A. Daly and Kathleen O’Brien, said conveyance to be at no cost to the Town and upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, including a sale for nominal consideration:

and further authorize the Board of Selectmen to petition the Massachusetts General Court to approve the deed to Patrick A. Daly & Kathleen B. O’Brien, for the purpose of curing inadvertent encroachments onto Chebacco Woods pursuant to the provisions of Article 97 of the amendments to Constitution of the Commonwealth of Massachusetts;

and further to authorize the Board of Selectmen to acquire from Patrick A. Daly and Kathleen B. O’Brien, the parcel identified as parcel A on a plan entitled “ Plan of Land in Hamilton, MA”, dated March 17, 2004, prepared by Hancock Associates for Patrick A. Daly & Kathleen O’Brien, for incorporation into Chebacco Woods conservation land under the joint ownership of Manchester-by-the-Sea, and Hamilton, Massachusetts;

and further authorize the Board of Selectmen and Conservation Commission to amend the conservation restrictions that are affected by these changes to reflect the new boundaries, and to take any other action relative thereto.

By petition of the Conservation Commission

*The Board of Selectmen recommends the advice of the Conservation Commission.*

**ARTICLE 17.** To see if the Town will vote to amend the Zoning By-law of the Town by adopting the following Wind Energy Conversion Facilities By-law as Section 6.17, which shall read as follows:

## **6.17 WIND ENERGY CONVERSION FACILITIES**

### **6.17.1 Purpose and Intent**

It is the express purpose of this Bylaw to accommodate distributed generation, wind energy conversion facilities (WECF) in the Limited Commercial District, while minimizing any adverse visual, safety and environmental impacts of the facilities. The Bylaw enables the review of wind energy conversion facilities and wind monitoring or meteorological towers by the Planning Board in keeping with the Town's existing Bylaws. As provided for in G.L. c.40A, s.9, the Planning Board is hereby designated as the special permit granting authority for wind energy conversion facilities.

### **6.17.2 Definitions**

**Distributed Generation:** Energy generation that is located at or near the end-user.

**Height:** The height of a turbine measured to the tip of the blade at its highest point.

**Nacelle:** The frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather.

**Rotor:** The blades and hub of the wind turbine that rotate during turbine operation.

**Special Permit Granting Authority ("SPGA"):** Board designated by the Zoning Bylaw pursuant to G.L. c.40A, s.9 with the authority to issue special permits.

**Wind Energy Conversion Facility ("WECF"):** All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of no more than two (2) wind turbines per lot. For the purposes of this Bylaw, "Lot" shall be defined as any conforming parcel in single ownership as of January 1, 2008.

**Wind Monitoring or Meteorological Test Towers ("Met Towers"):** A temporarily installed tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

**Wind Turbine:** A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower.

### **6.17.3 District Regulations**

#### **6.17.3.1 Use Regulations: Wind Energy Conversion Facility, Wind Monitoring and Meteorological Towers**

The construction of any WECF shall be permitted in accordance with the requirements of this Bylaw, Section 7.5 of the Zoning Bylaw and subject to the issuance of a Special Permit from the Planning Board irrespective of whether the use is a principal or accessory use. A WECF shall be allowed solely in the Limited Commercial District pursuant to this Bylaw and the additional requirements of the District (see Sections 5.7 and 5.10).

Met Towers shall be permitted in the Limited Commercial District subject to the issuance of a special permit in conformance with the Bylaw and a building permit for a temporary structure.

A WECF shall utilize at least fifty (50) percent of the energy generated for private commercial use.

#### **6.17.3.2 Site Control**

The applicant shall submit documentation of the legal right to install and use the proposed facility at the time of application for a Special Permit. Documentation should also include proof of control over the setback. Control shall mean legal authority to prevent the use of any structure within the setback for human habitation or other use permitting human occupancy.

#### **6.17.3.3 Dimensional Requirements**

All wind energy conversion facilities shall comply with the requirements set forth in this Bylaw.

##### **6.17.3.3.1 Height**

Wind energy conversion facilities shall be no higher than three hundred (300) feet above the natural grade. The height of all wind turbines shall be measured to the highest point reached by the rotor blades. The SPGA may allow this height to be exceeded as part of the special permit process if the project applicant can demonstrate that the additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts, but in no case shall the facility be higher than four hundred ten (410) feet above the natural grade. Monopole towers are the preferred type of support for wind turbines. Wind monitoring or meteorological towers shall be no higher than two hundred ten (210) feet above the natural grade.

##### **6.17.3. 2 Setback**

Each WECF and Met Tower and their associated equipment shall be set back from property lines for a distance of at least fifty (50) feet greater than the height of the facility.

#### **6.17.4 Special Permit Regulations**

The SPGA shall grant a Special Permit only if it finds that the proposal complies with the provisions of this Bylaw and Section 7.5 of the Zoning Bylaw.

#### **6.17.4.1 General**

Proposed WECFs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements and the requirements of the relevant utility to which the WECF will be connected.

#### **6.17.4.2 Design Standards**

##### **6.17.4.2.1 Visual Impact**

The applicant shall demonstrate through project siting and proposed mitigation that the WECF or Met Tower minimizes any impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting and cable layout. In the SPGA's sole discretion and where construction of the proposed WECF may create an unreasonable visual impact, the SPGA may require the applicant to demonstrate that no suitable alternative location for the proposed WECF exists. The SPGA shall select between three (3) and six (6) sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a two (2) mile radius of the wind facility. View representations shall have the following characteristics:

- a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).
- b) View representations shall include existing, or proposed, buildings or tree coverage.
- c) View representations shall include a description of the technical procedures followed in producing the visualization, including without limitation, distances, angles, lenses, etc.
- d) Within thirty (30) days of the date of application for the Special Permit, the applicant shall provide a balloon or crane test at the proposed site, or alternate test approved by the SPGA, to demonstrate the height of the proposed facility. The date, time and alternate date if needed due to weather, shall be announced in a newspaper having local circulation for the two (2) consecutive weeks prior to the test. Said announcement shall also be sent to all parties receiving notification of the Special Permit application.

##### **6.17.4.2.2 Color**

WECFs shall be painted a color that blends with the sky and clouds.

#### **6.17.4.2.3 Equipment Shelters**

All equipment necessary for monitoring and operation of the WECF should preferably be contained within the turbine tower. If this is infeasible, ancillary equipment may be located outside the tower, provided it is contained either within an underground vault, or enclosed within a separate structure.

#### **6.17.4.2.4 Lighting and Signage**

a) Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA) or other federal, state or county agency or authority. The applicant shall provide a copy of said authority's determination to establish the required markings and/or lights for the structure.

b) Lighting of equipment structures and any other facilities on site (except lighting required by said authority) shall be shielded from abutting properties.

c) Signs on the facility shall be limited to those needed to identify the property and the owner and warn of any danger, and educational signs.

d) All signs shall comply with the requirements of the Zoning Bylaw.

#### **6.17.4.3 Environmental Standards**

##### **6.17.4.3.1 Land Clearing/Open Space/Animal Species**

WECFs and Met Towers shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space when feasible. Wind turbines should be sited to make use of previously disturbed and/or developed areas wherever possible. WECFs and Met Towers shall also be located in a manner that does not have significant negative impacts on animal species in the vicinity (particularly avian species, bats, etc.).

##### **6.17.4.3.2 Stormwater**

Stormwater run-off and erosion control shall be managed in a manner consistent with all applicable state and local regulations and the terms and conditions as imposed by the SPGA.

##### **6.17.4.3.3 Noise**

The WECF and associated equipment shall conform to Massachusetts's noise regulations (310 CMR 7.10). An analysis, prepared by a qualified engineer, shall be presented to demonstrate compliance with these noise standards and be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement. Notwithstanding the provisions of 310 CMR 7.10, the Planning Board may impose any reasonable limitation on noise generated by the facility.

#### **6.17.4.3.4 Shadowing/Flicker**

WECFs shall be sited in a manner that does not result in significant shadowing or flicker impacts.

#### **6.17.5 Use by Telecommunications Carriers Prohibited**

WECFs may not be used to locate, co-locate or install telecommunications antennas or other facilities subject to regulation pursuant to Section 4.10 of the Zoning Bylaw.

#### **6.17.6 Modifications**

All modifications to a WECF made after issuance of the Special Permit shall require approval by the SPGA pursuant to the Zoning Bylaw and G.L. c.40A, s.9.

#### **6.17.7 Monitoring and Maintenance**

**6.17.7.1** The applicant shall maintain the WECF in good condition and shall have the facility inspected by a professional engineer or other competent professional at least once every twelve (12) months or more often, pursuant to industry standards and practice. The results of the facility inspection shall be submitted to the Planning Board within thirty (30) days of the inspection report's receipt by the applicant or facility owner. Ongoing maintenance shall include, but not be limited to, painting, structural integrity of the foundation, all equipment and support structures and security barriers (if applicable), and landscaping if present.

**6.17.7.2** Notice shall be provided to the Planning Board of any change in owner of the facility.

#### **6.17.8 Abandonment or Discontinuation of Use**

**6.17.8.1** At such time that a WECF or Met Tower is scheduled to be abandoned or discontinued, the applicant will notify the Planning Board by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. In the event that an applicant fails to give such notice, the facility shall be considered abandoned or discontinued if the facility is inoperable for one hundred eighty (180) days. In the case of a two (2)-turbine facility, the SPGA shall determine in its decision what proportion of the facility would be inoperable for the facility to be considered abandoned.

**6.17.8.2** Upon abandonment or discontinuation of use, the owner shall physically remove the WECF or Met Tower within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the operator and at the discretion of the SPGA. "Physically Remove" shall include, but not be limited to:

- a) Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property;
- b) Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations; and

c) Restoration of the location of the WECF or Met Tower to its natural condition, except that any landscaping, grading or below grade foundation may remain in the after-condition.

**6.17.8.3** If an applicant fails to remove a WECF or Met Tower in accordance with this section of this Bylaw, the Planning Board shall have the authority to enter the subject property and order the removal of the facility. This authority shall be considered granted by the applicant for a WECF or Met Tower. The SPGA shall require the applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's election at the time of construction to cover costs of the removal in the event the Planning Board must order removal of the facility. The amount of such surety shall be equal to one hundred twenty-five (125) percent of the cost of compliance with this section. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.

### **6.17.9 Term of Special Permit**

A Special Permit issued for any WECF shall be valid for twenty (20) years, unless extended or renewed. The time period may be extended or the Special Permit may be renewed upon satisfactory operation of the facility. At the end of that time period, the WECF shall be removed by the applicant as per Section 8.2.

### **6.17.10 Application Procedures**

#### **6.17.10.1 Special Permit Granting Authority ("SPGA")**

The SPGA for WECFs or Met Towers shall be the Planning Board.

#### **6.17.10.2 Pre-Application Conference**

Prior to the submission of an application for a Special Permit under this Bylaw, the applicant is strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed WECF in general terms and to clarify the filing requirements. The SPGA shall meet with an applicant under this regulation with twenty-one (21) days following a written request submitted to the SPGA and the Town Clerk. If the SPGA fails to meet with an applicant who has requested such a meeting within twenty-one (21) days of said request and said meeting has not been postponed due to mutual agreement, the applicant may proceed with a Special Permit application under this regulation without need for a pre-application conference.

#### **6.17.10.3 Pre-Application Filing Requirements**

The purpose of this conference is to inform the SPGA as to the preliminary nature of the proposed WECF. As such, no formal findings are required for the pre-application conference. However, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the SPGA of the location of the proposed facility, as well as its scale and overall design.

#### **6.17.10.4 Professional Fees**

Pursuant to Section 7.9, the Planning Board may retain technical experts, consultants and legal counsel to verify information presented by the applicant and provide the SPGA with guidance on reviewing and approving or denying the application. The cost for such a technical expert/consultant will be at the expense of the applicant.

#### **6.17.10.5 Application Filing Requirements**

The filing requirements of Section 6.9.5 of the Zoning Bylaw shall apply to applications for a Special Permit for a WECF. In addition, the SPGA may require the submission of any or all of the materials included in Sections 6.17.10.5.1 through 6.17.10.5.3.4, below.

##### **6.17.10.5.1 General Filing Requirements**

a) Name, address, telephone number and original signature (photo-reproductions of signatures will not be accepted) of applicant and any co-applicants. Co-applicants shall include the landowner of the subject property and the operator of the WECF.

b) If the applicant or co-applicant will be represented by an agent, the name, address and telephone shall be provided as well as original signature authorizing the agent to represent the applicant and/or co-applicant. Photo-reproductions of signatures will not be accepted.

c) Documentation of the legal right to install and use the proposed facility and proof of control over the clear area, per Section 6.17.3.2 of these regulations.

##### **6.17.10.5.2 Location Filing Requirements**

a) Assessor's map and parcel number of subject property;

b) Zoning district designation for the subject parcel;

c) Locus Map to scale showing the lot lines of the subject property and all properties within three hundred (300) feet of the property lines, as well as the location of all buildings, including accessory structures, on all properties shown.

##### **6.17.10.5.3 Siting and Design Filing Requirements**

###### **6.17.10.5.3.1 Vicinity and Site Plan**

a) Property lines for the subject property and all properties adjacent to the subject property within three hundred (300) feet;

b) Indication of use of all existing buildings and accessory structures, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300) feet. Distances, at grade, from the proposed WECF to each building on the site plan shall be shown;

c) Proposed location of WECF, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads. Including:

1) Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300) feet including driveways proposed to serve the WECF;

2) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways;

3) Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the WECF.

d) Tree cover and average height of trees on the subject property and adjacent properties within three (300) feet;

e) Contours at each two (2) feet Above Mean Sea Level (“AMSL”) for the subject property and adjacent properties within three hundred (300) feet;

f) Representation of location of viewpoint for the sight-line diagram referenced below.

#### **6.17.10.5.3.2 Elevations**

Siting elevations or views at grade from the north, south, east and west at a fifty (50) foot radius around the proposed WECF shall be provided to the SPGA.

Elevations shall be at either one-quarter (1/4) inch equals one (1) foot or one-eighth (1/8) inch equals one (1) foot scale and show the following:

a) The WECF and if applicable the security barrier and associated equipment, with total elevation dimensions of all parts of the facility;

b) Security barrier. If the security barrier will block views of the WECF, the barrier drawing shall be cut away to show the view behind the barrier.

c) Any and all structures on the subject property;

d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned; and

e) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two (2) foot contours above mean sea level.

#### **6.17.10.5.3.3 Materials**

a) Specifications for the proposed WECF or Met Tower shall be provided for all equipment and attendant facilities.

b) Materials of the proposed WECF shall be specified by type and specific treatment. These

shall be provided for the wind turbine tower and all other proposed equipment/facilities; and

c) Colors of the proposed WECF represented by a color board showing actual colors proposed.

#### **6.17.10.5.3.4 Landscape Plan**

A landscape plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.

Per petition of the Planning Board

*The Board of Selectmen will make a recommendation on the Town Meeting floor.*

**ARTICLE 18.** To see if the Town will vote to accept the layout of Blue Heron Lane, as shown on a plan entitled “as built Existing Conditions for Blue Heron Lane, Manchester, Massachusetts”, prepared by Patrowicz Land Development Engineering and North Shore Survey Corporation, and dated March 7, 2005, as revised through August 24, 2006, as a public way, and to take any other action relative thereto.

By petition of Orestes G. Brown, et al.

*The Board of Selectmen does not recommend approval.*

**ARTICLE 19.** Whereas the School Building Committee (hereinafter SBC) of the Manchester-Essex Regional School District (hereinafter MERSD) has continued to propose building three (formerly four) contiguous tennis courts in an inappropriate location with a damaging impact on the environment (Town Drinking Water Supply, etc.), local aesthetics and “green space”, and at an extremely excessive cost currently budgeted at \$378,158.00, it is the recommendation of this Town Meeting that the SBC cease and desist in this effort and actively look to alternatives, several of which have little or no additional impact on the environment, local aesthetics and/or “green space”, and are much less expensive.

Per petition of Timothy G. Gates, et al.

*The Board of Selectmen does not recommend approval.*

**ARTICLE 20.** To see if the Town will vote to recommend an Amendment to the Lease Agreement with the Manchester-Essex Regional School District and add a deed covenant to run with the land to prohibit any other usage for that portion of the land designated below at the Memorial School Site than what exists today.

This land is part of the total area designated as map 47 Lot 6 of the Assessors Maps in the Town of Manchester-by-the-Sea. The description below is based upon Drawing plan entitled, "Existing Conditions Brook St. Site" prepared by MVG Mount Vernon Group Architects of 20 Cabot Rd. Woburn, Mass 01801 Dated 9ee Job No. 0602.02

The parcel concerned is the grassy land area surrounded by Lincoln St., the school driveways and parking areas.

This portion of land is in Zones 1 and 2 of the Town's Drinking Water Well, the Riverfront Area (Causeway Brook) and Bordering Land Subject to Flooding (100 year flood plain) resource areas. The surface water is directed to a crushed stone strip discharging toward an existing culvert, which drains the area. This area must be protected in the lease.

Per petition of Timothy G. Gates, et al.

*The Board of Selectmen does not recommend approval.*

**ARTICLE 21.** To see if the Town will agree to amend the lease with the Manchester-Essex Regional School District or add a deed covenant to run with the land to prohibit the construction of building or land improvements on the front yard of the Memorial School and to undertake any activities related thereto.

Per petition of Jenny Bernard, et al

*The Board of Selectmen does not recommend approval.*

**ARTICLE 22.** The Town recognizes that the Manchester-Essex Regional School District (hereinafter MERSD) needs four courts for all regular season practice and play. Additionally, the MERSD would like to have available three contiguous courts for post-season tournament play if the MERSD team(s) is chosen to host such a tournament. Residents of the Town of Essex are currently planning to construct three courts between the two baseball fields the MERSD is already committed to use. There is no need to meet this requirement in Manchester if the requirement can be met elsewhere within the bounds of the school district. It is the strong recommendation of this Town Meeting that the MERSD School Committee and its School Building Committee actively pursue this tournament siting alternative with the appropriate authorities in the Town of Essex-Department of Public Works, Board of Selectmen, Conservation Commission and Essex Youth Commission, etc. That location has parking and toilet facilities now.

Per petition of Timothy G. Gates, et al.

*The Board of Selectmen does not recommend approval.*

**ARTICLE 23.** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money necessary to replace two tennis courts at Sweeney park for use of Town residents, or take any other action relative thereto.

Per petition of Sheila P. Hill, et al

*The Board of Selectmen does not recommend approval.*

**ARTICLE 24.** Whereas the needs for four courts for Manchester-Essex Regional School District (hereinafter MERSD) regular practice and play can be met by: continuing the use of the two courts at Brook Street, which are within the so-called “Shared Facilities” enumerated in the MERSD Lease Agreement; then the absolute minimum requirement of two or more courts near the High/Middle School can be met currently by the restoration and renovation of the two former tennis courts on the site at Sweeney Park – with permission of the Town, which this Town Meeting recommends should not be withheld.

Under this scenario, the existing skate-board equipment may be relocated to the asphalted area next to the existing outdoor basketball courts near the entrance to Sweeney Park; which this Town Meeting also recommends.

Per petition of Timothy G. Gates, et al.

*The Board of Selectmen does not recommend approval.*

**ARTICLE 25.** It is the strong recommendation of this Town Meeting that the Board of Selectmen revisit and revise their oft-stated position preference that they do not want to site **two** additional tennis courts at the Brook Street site. It is a fact the current Massachusetts Interscholastic Athletics Association (MIAA) tournament requirement for three courts (in close proximity) could be met within Manchester by creating just **one** new court at that location, which is wholly within the “Shared Facilities” area defined in the Manchester-Essex Regional School District (hereinafter MERSD) Lease Agreement. That **one** court could be allowed by the Board of Selectmen, the Zoning Board of Appeals, the Planning Board and the Friends of Manchester Trees with a binding condition that it not have lighting. The MERSD would be expected to pay for the tennis court structure as it has done for the 4-sports field in the “Coach Field Field.”

Per petition of Timothy G. Gates, et al.

*The Board of Selectmen does not recommend approval.*

**ARTICLE 26.** To see if the Town will agree to allow the construction to raise and appropriate money for an additional tennis court contiguous to the existing Brook Street courts and to undertake any activities related thereto and to make these courts available to the Manchester-Essex Regional School District for school use.

Per petition of Jenny Bernard, et al

*The Board of Selectmen does not recommend approval.*

**ARTICLE 27.** Whereas the future needs of the Manchester-Essex Regional School District (hereinafter MERSD) for two additional courts may be met by judicious reorganization of the excessive parking space required currently and utilizing some of the area along the Lincoln Street boundary of the so-called Flatly Pit lot, it is the strong recommendation of this Town Meeting that the School Building Committee petition the Planning Board and Building Inspector, and any other boards, etc., concerned for the appropriate amendments to the existing Orders of Conditions to incorporate some or all of the MassCHips parking space recommendations, etc. – such as smaller “standard size” spaces, not less than 25% compact car spaces, 200 or less total spaces to reduce by one the mandated Handicap spaces (6 vs. 7) requirements, and utilize the benefit of these actions to make room for at least two courts, on MERSD Leased Property. This would also offer the possibility of an additional reimbursement percentage from the Massachusetts School Building Authority if carefully structured.

Per petition of Timothy G. Gates, et al.

*The Board of Selectmen does not recommend approval.*

**ARTICLE 28.** To see if the Town will agree to relocate all or a portion of the DPW activities currently performed and housed on Pleasant Street and re-commission the land for town and school playing fields, courts, and open space, to raise and appropriate money, and to undertake any activities related thereto and, if necessary, transfer care, custody and control to the Manchester Recreation Department and to make these courts available to the Manchester-Essex Regional School District for school use.

Per petition of Jenny Bernard, et al

*The Board of Selectmen does not recommend approval.*

**ARTICLE 29.** Whereas the Essex County Club (hereinafter Club) has enjoyed the free use of approximately 2/3rds of the Town's Water Works" lot since 1895, approximately, this Town Meeting recommends that the Board of Selectmen enter into negotiations with said club to obtain adequate compensation now and in the future for this use to continue. The Board of Water Commissioners in regular Commission meetings held in 1902, 1910, and again in 1911 granted privileges to the Club to use that land. These privileges, as written, do not mention any compensation arrangements. These votes concern the privileges of "playing over" "playing on", and "driving automobiles" among other, unspecified, requests from the Club. There appear to be no records extant that might show any specific compensation was ever provided for this specific use. Privileges create no easement, right or other entitlement to restrict the legal title of the Town to its property.

Whatever arrangements are made for such continued use of "Water Works" land should extend only for such period of time, as the Club remains a non-profit sports-related entity. A suggested partial compensation for such prior, current, and future use is that a part of the Club's property along the School Street boundary should be designated for the use of the Town and the School system for asphalt surfaced tennis courts in perpetuity. The specific details of any such arrangements for compensation would be as agreed between the Town, the current Manchester-Essex Regional School District (insofar as it may appear to be an interested party) and the Club.

It should be noted that in the course of time the Massachusetts Legislature has moved the powers, duties, and responsibilities of the Board of Water Commissioners to the Board of Selectmen.

Per petition of Timothy G. Gates, et al.

*The Board of Selectmen does not recommend approval.*

**ARTICLE 30.** To see if the Town will vote to ban dogs from Singing Beach year round, or take any other action relative thereto.

Per petition of Patricia Morley, et al

*The Board of Selectmen will make a recommendation on the Town Meeting floor.*

**ARTICLE 31.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, or take any other action relative thereto.

Per petition of the Board of Selectmen

*The Board of Selectmen will make a recommendation on the Town Meeting floor.*

**ARTICLE 32 .** To see what sum of money the Town will vote to appropriate or transfer from Free Cash for the purpose of reducing the tax rate, or take any other action relative thereto.

Per petition of the Board of Selectmen

*The Board of Selectmen will make a recommendation on the Town Meeting floor.*

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 \_\_\_\_\_ day of March 2008.

*BOARD OF SELECTMEN*

Susan W. Thorne, Chairman

Bryan S. Gubbins

John H. Shea, Vice Chairman

Thomas P. Kehoe

Mary M. Hardwick

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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

\_\_\_\_\_  
Date of Posting

\_\_\_\_\_  
Received by Town Clerk