

MANCHESTER-BY-THE-SEA  
Special Town Meeting - November 13, 2021

The Special Town Meeting of Manchester-By-The-Sea was held on Saturday November 13, 2021, at 1:00PM at the Middle-High School gymnasium and auditorium on Lincoln Street, pursuant to the warrant being duly posted and the return of the Constable being received.

Check-in was managed by several election officials including registrar Eileen Buckley, Muffin Driscoll, Michelle Baer, Pam Thorne, Lee Simonds, Susan Mirak, Kurt Melden, Martha Farmer, Judy Laspesa, and Beth Heisey.

Ushers and tellers were Carolyn Kelly, Tom Kehoe, Kathy Ryan, Karen Sarge, Bion Pike, and Joanna Shan.

The assistant Moderator, Arthur Steinert was sworn in by Moderator Alan Wilson prior to the Meeting. Both he and the assistant Town Clerk Ellen Flatley sworn in by Town Clerk Dianne K. Bucco managed the overflow room in the auditorium.

Two hundred and twenty-eight (228) registered voters were checked in and twenty-one (21) non-residents were present for the Meeting. A quorum of 100 was reached by 1:00PM and the meeting was called to order at 1:11PM. Moderator Alan Wilson waived the reading of the warrant but confirmed it was properly posted. Moderator Wilson asked the meeting to rise for the invocation given by Reverend Laurel Deery followed by the Pledge of Allegiance.

**ARTICLE 1.** To see if the Town will vote to: (a) transfer from the Board of Selectmen, acting as the Board of Water and Sewer Commissioners, for the purpose of holding, storing, purifying or preserving water, to the Board of Selectmen for the conveyance of easements, the care, custody and control of portions of the Town-owned property located in the Town of Hamilton, which property is shown on Hamilton Assessors Map 71 as Parcel 1, described in the Order of Taking recorded with the Essex South District Registry of Deeds in Book 3713, Page 278, and subject to a conservation restriction held by the Hamilton Conservation Commission and recorded in Book 15373, Page 403, and which portions to be transferred are shown approximately as “Proposed Permanent 40’ Easement 33,530 Sq. Ft., 0.77 Acres” and “Proposed Temporary Construction Easement 20,916 Sq. Ft., 0.48 Acres” on a plan entitled “Town of Hamilton & Town of Manchester-By-The-Sea Proposed Easement Plan”, prepared by Woodard & Curran, dated February, 2021, on file in the Town Clerk’s office, as the same may be amended, (b) authorize the Board of Selectmen to convey to the Town of Hamilton a permanent public way easement and a temporary construction easement in, on and under the foregoing portions for the purpose of altering the layout of Chebacco Road in Hamilton, (c) to authorize the Board of Selectmen to accept from the Town of Hamilton, if applicable, deeds conveying Hamilton’s right, title and interest in the portions of Chebacco Road to be discontinued upon said alteration, which discontinued portions are shown approximately on the aforesaid plan as “Existing ROW (To Be Abandoned) 31,272 Sq.Ft., 0.72 Acres” and “1964 ROW (To Be Abandoned) 44,726 Sq.Ft., 1.03 Acres” and are to be subject to the conservation restriction; and (d) authorize the Board of Selectmen to submit a petition to the General Court under Article 97 of the Massachusetts Constitution to authorize the change in use, transfer, and

conveyance of easements in said portions of the Town-owned property and to amend the conservation restriction encumbering said property; or take any other action relative thereto.

\*Per petition of the Board of Selectmen

The Board of Selectmen and Planning Board recommended approval. The Finance Committee took no position on Article 1 as it was not a financial matter.

**MOTION:** Eli Boling moved, and Ann Harrison seconded the article as presented with four additions:

1. The following language is added after the word “property” in paragraph (d): “provided, however, that the amendment of the conservation restriction shall be only for the relocation of the easement and shall not change the substantive terms of the restriction.”
2. The word “and” is stricken before “(d)”, and the following language is added after paragraph (d): “and (e) The Town’s approval of this motion is subject to the Town of Hamilton resubmitting a Notice of Intent to the Hamilton Conservation Commission and an Environmental Notification Form to the State (MEPA) in collaboration with the Town of Manchester’s Conservation Commission, provided that the Towns of Hamilton and Manchester-by-the-Sea shall not be required to delay initiating other actions authorized by this motion until these two processes are completed. All parties recognize that time is of the essence and that collaboration will not be unreasonably withheld.”
3. The Towns of Hamilton and Manchester shall petition the MASSDOT for permission to place a hazardous material transport exclusion on Chebacco Road.
4. The Town of Hamilton shall avoid the use of de-icing chemicals (including sodium chloride, potassium chloride and calcium chloride) on Chebacco Road within wetland resource areas and buffer zones. Use of de-icing chemicals shall be kept to the minimum required to ensure public safety and used only in extreme icing conditions.

**DISCUSSION:** Moderator Wilson explained that Town Bylaw Article 4 Section 8 required the Planning Board to report on acquisition or divestiture of any real property before a Town Meeting can take any action. The Planning Board did submit this written report on November 1, 2021, and recommended approval. This Board also recommended that Hamilton submit a stormwater management plan for approval by the Town the Manchester as noted in section 2 of the motion.

Eli Boling of the Board of Selectmen introduced the article and gave the history behind this area. He explained the reasons the Board of Selectmen were in support of the Article. The Board of Selectmen feel that the proposal by Hamilton to pave a road on a new right of way further from Gravely Pond upon which the Town of Manchester can restrict the transfer of hazardous materials, speed and weight has merits. This proposal will benefit Manchester by increasing the amount of land placed under a Manchester conservation restriction as well as make safer access to our Water Treatment Plant. He emphasized that although Manchester owns the land in question, it is in the Town of Hamilton and therefore is under the jurisdiction of Hamilton and their Boards. Hamilton will need to gain approval from the State Legislature prior to anything occurring on this land given that it is conservation land subject to Article 97 of the State Constitution. He also noted that residents of Manchester will have the opportunity to weigh in on the process as Hamilton has promised to redo their MEPA environmental process and their Notice of Intent with their Conservation Commission.

An hour of discussion followed with speakers for and against the article. Those residents opposed to the article were Christina Delisio of 6 Lincoln Avenue, Sheila Hill of 2 Running Ridge Row, Dave Parmelee of 28 Norwood Avenue, Susan Turnbull of 52 Bridge Street, and Mary Foley of 1 Pulaski Drive. Their concerns were due to procedural defects in the plan as well as the potential impact of increased traffic. Hamilton residents, Ani Sarkisian and John Buono, both of Chebacco Road were allowed to speak to the Meeting and stated their opposition to the article; increased traffic, lack of restrictions on weight, materials, and speed, as well as the potential of ruining the beautiful and peaceful area in which they live.

Ashley Ochs of 7 North Street and George Davis of 23 Woodholm Road proposed amendments to make the article more palatable to the Town. Mr. Davis's amendment, to prohibit any paving to prohibit any paving on the new right of way failed (49 Yes, 97 No). Ms. Ochs's amendment, to incorporate safety measures including speed mitigation into the motion was approved with the required majority vote (127 Yes, 25 No).

Those who spoke in favor of the article were Selectmen Eli Boling and Jeff Bodmer-Turner, Conservation Commission Chair Steve Gang, Hamilton Town Manager Joe Domelowicz and Hamilton DPW Director Tim Olson.

**VOTE:** Article 1 did not pass with the required 2/3rds vote, 91 Yes, 60 No.

**ARTICLE 2.** To see if the Town will vote to raise and appropriate or transfer from available funds, including Community Preservation Funds, the sum of \$100,000 or some other sum for the development of the engineering plans and cost estimates for a new multi-purpose athletic field at the site of the old burn dump on Pine Street, or take any other action relative thereto.

\*Per petition of the Board of Selectmen

The Board of Selectmen recommended approval, but the Finance Committee had a tied vote and thus did not recommend approval.

**MOTION:** Sean Daly moved and John Round seconded to transfer from the Town's Free Cash account the sum of \$46,100 and to appropriate \$46,100 from the Community Preservation Fund's undesignated fund account for the purpose of making open space and recreation improvements, as recommended by the Community Preservation Committee, for a total of \$92,200 for the development of engineering plans and cost estimates for a new multi-purpose athletic field at the site of the old burn dump on Pine Street.

**DISCUSSION:** Sean Daly, Chair of the Parks and Recreation Committee introduced the article. He stated that in 2017 the Town Wide Master Plan Survey showed that the number one preferred use by residents for the Pine St Parcels/Burn Dump was athletic fields and that the 2020 Athletic Master Plan showed a critical shortage of multi-use fields. He added that Manchester has not made an investment into athletic fields since 2007 when the turf was brought to Coach Field. He noted that the Community Preservation Committee has unanimously approved the project.

Those residents who spoke in favor of the study were Jeff Bodmer-Turner, Chair of the Board of Selectmen, Ethan Spencer of 87 Pine Street, Bob Doyle of 6 Anthony Avenue, and Steve Carhart of 12 Bridge Street. All expressed the need that the Town and our youth sports need more fields. Several voters had concerns about the safety of the contaminated site and actual size of any potential field in this location (Dustin Plomodon of 26 Rockwood Heights Road)

and the safety of this location being near the highway and without sidewalks (Florence Doyle of 6 Anthony Avenue.)

Cheryl Marshall, Director of the Town Parks and Recreation Department, explained that these safety concerns will be discussed once a plan has been started. She stated that lights were not in the plan.

Wendy Dixon of 295 Summer Street thought that solar panels might be a better use of this contaminated property. Sarah Mellish, Chair of the Finance Committee explained the procedural issue that caused the Finance Committee to not approve; the plan had not gone through the capital needs budget process. She recommended that the Meeting pass over the article.

**VOTE:** Article 2 passed with a simple majority, 118 Yes, 30 No.

**ARTICLE 3.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$120,000 or some other sum for the purposes of maintaining Harbormaster vessels and purchasing a replacement boat for the Harbormaster, or take any other action relative thereto.

\*Per petition of the Board of Selectmen

The Board of Selectmen and Finance Committee recommended approval.

**MOTION:** Becky Jaques moved, and Ann Harrison seconded to transfer \$120,000 from the Waterways account for the purposes of maintaining Harbormaster vessels and purchasing a replacement boat for the Harbormaster.

**DISCUSSION:** Becky Jaques of the Board of Selectmen introduced the article by reminding the Meeting that the harbor is important to the Town and that the Town has maintained our vessels well. She continued to say that the time has come to purchase a new one. She asked the moderator to recognize Harbormaster Bion Pike, which he did.

Bion Pike explained that this vessel would replace the Eastern 24 which was 10 years old when we got it 10 years ago. The proposed vessel is commercial in nature that has the same shallow water response like the Eastern provided along with a few other important improvements to help make sure that the waters are safe for all the boaters here in Manchester.

Sarah Mellish, chair of the Finance Committee explained that this purchase is on the capital plan for next year however because the current vessel is no longer sea-worthy we need to approve funding now to ensure that the boat will be in the water next Spring.

Michael Logue of 86 Pleasant Street questioned how many boats does the Town have and how many do we need?

Mr. Pike responded that the Town owns and maintains three vessels; pump out boat maintained with the clean vessel act grant which covers 75% of all costs for that boat, the Eastern which was our primary and only patrol boat until the recent concerns about the increase in boat traffic which necessitated a third boat, the Safe Boat. It was purchased to monitor the Long Beach area and allow the extra patrols needed east of the main harbor down to Magnolia. The 4<sup>th</sup> vessel is a marine vessel owned by NOAA and is moored in the harbor and is not part of the Town's fleet.

**VOTE:** Article 3 passed with a simple majority, 135 YES, 6 NO.

**ARTICLE 4.** To see if the Town will vote to Amend the Zoning Bylaw by adding a new table of contents and renumbering and reordering of all sub-sections accordingly including references to said sections. The following changes will be made:

Create Section 7: Intentionally Left Blank

Create Section 8: Special Regulations

Renumber section 4.10 to 8.1

Renumber section 4.11 to 8.2

Renumber 6.19 to 8.3

Renumber 6.2.8 to 8.4

Renumber 6.3 to 8.5

Create new Section 9: Special Residential Regulations

Renumber 4.6.2 to 9.1

Renumber 6.13 to 9.2

Renumber 6.8 to 9.3

Renumber 6.14 to 9.4

Create a new Section 10: Special Districts

Renumber 4.7 to 10.1

Renumber 4.8 to 10.2

Renumber 4.9 to 10.3

Renumber 4.9 Exhibits A and B to 10.3.9 and 10.3.10

Create a new Section 11: Energy Regulations

Renumber 6.18 to 11.1

Renumber 6.17 to 11.2

Create an associated Table of Contents,  
or take any other action relative thereto.

\*Per petition of the Planning Board and Board of Selectmen

The Board of Selectmen and Planning Board who held a public hearing on October 12, 2021 and recommended approval. The Finance Committee took no position on Article 4 as it is not a financial matter.

**MOTION:** Sarah Creighton moved, and Becky Jaques seconded to Amend the Zoning Bylaw by adding a new table of contents and renumbering and reordering of the following sections and all sub sections accordingly including references to said sections. The following changes will be made:

Create Section 8: Special Regulations

Renumber section 4.10 to 8.1

Renumber section 4.11 to 8.2

Renumber 6.19 to 8.3

Renumber 6.2.8 to 8.4

Renumber 6.3 to 8.5

Create new Section 9: Special Residential Regulations

Renumber 4.6to 9.1

Renumber 6.13 to 9.2

Renumber 6.14 to 9.3

Create a new Section 10 : Special Districts

Renumber 4.7 to 10.1  
Renumber 4.8 to 10.2  
Renumber 4.9 to 10.3  
Renumber 4.9 Exhibits A and B to 10.3.9 and 10.3.10  
Create a new Section 11: Energy Regulations  
Renumber 6.18 to 11.1  
Renumber 6.17 to 11.2

Create an associated Table of Contents

**DISCUSSION:** Sarah Creighton of the Planning Board explained that the Zoning Bylaw has 7 sections that establishes districts, allows uses and sets regulations for size, height, and location of structures. The Zoning bylaw was adopted in 1945 and has had many amendments through the years. Currently, the Bylaws are confusing and difficult to read. The Planning Board has worked for two years on revising the bylaws. The plan to revise the bylaws is to do so in steps. This article is the first step in doing that. This article renumbers the sections expanding them to 11 sections and moving some bylaws into different sections to make it easier for all of us to understand without making any substantive changes or any change in intent of the bylaw.

**VOTE:** Article 4 passed by well more than the required 2/3<sup>rd</sup> vote, 141 Yes, 1 No.

**ARTICLE 5.** To see if the Town will Amend the Zoning Bylaw by DELETING the following sections:

Section 6.6: Reflecting Antennas

Section 6.8: Planned Residential Development

Section 6.10 Water Resources Protection District (replaced by Section 4.9 in 2002)

Section 6.11 Development Scheduling – Sewer Connection Limitations

Section 6.12 Division of Land and Development of Multiple Dwellings

Section 6.14.3 Applicability (of Inclusionary Housing)

Section 6.20.1 Temporary Moratorium on Recreational Marijuana,

or take any other action relative thereto.

\*Per petition of the Planning Board and Board of Selectmen

The Planning Board recommended approval as did the Board of Selectmen.

**MOTION:** Chris Olney moved, and Becky Jaques seconded to amend the Zoning Bylaw by deleting sections 6.6, 6.8, 6.10, 6.11, 6.12, and 6.20.1 and their subsections.

**DISCUSSION:** Chris Olney of the Planning Board explained that these chosen sections of the Zoning Bylaw are out of date and/or not in compliance with State Law.

**VOTE:** Article 5 passed with well over the required 2/3rds vote, 126 Yes, 14 No.

**ARTICLE 6:** To see if the Town will vote:

- a) To approve a non-binding endorsement of the development concept advanced by the Manchester Housing Authority and Manchester Affordable Housing Trust that includes the town owned site on Pleasant Street with sites owned by the Housing Authority on Loading Place Road, The Plains and Newport Park, and

b) To further approve a non-binding endorsement of forgoing some or all revenue from the possible sale or lease of the Pleasant Street site to a future developer so that acquisition costs, and thus development costs, could be limited or reduced in the development plan to assist in the provision of community affordable housing units.

\*Per petition of the Board of Selectmen

The Board of Selectmen and the Planning Board recommended approval. The Finance Committee took no position on the article.

**MOTION:** John Feuerbach moved, and Ann Harrison seconded the article as presented.

**DISCUSSION:** John Feuerbach, Chair of the Manchester Affordable Housing Trust introduced the article by stating that the Trust was created by a Town Meeting in 2016 to advance the creation, expansion, and protection of affordable housing. He reviewed some of their activities. He explained that acceptance of this article would be an advancement towards supporting the Town's need to fulfill the 10% affordable housing goal as it would show potential developers that the Town is interested in an affordable housing project. He noted that the non-binding nature of the vote means that it is a work in progress and that when a defined plan comes up, it would need to come to a Town Meeting for approval. Those who spoke in favor of the article were Ann Harrison of the Board of Selectmen, Gretchen Wood of the Housing Authority, Chris Olney of the Planning Board, Tom Kehoe of 20 Lincoln Street, and Jody Morse of 11 Jersey Lane. Jay Bothwick of 7 Boardman Avenue stated in support of the article that he and CIMAH think article 6 is a creative and thoughtful way to try to achieve our affordable housing goals. Those in opposition were Sheila Hill of 2 Running Ridge Row who although supports affordable housing does not want to see market rate housing added to Town to solve our affordable housing issues. She would prefer re-purposing exiting buildings downtown as we have started to do with the CIMAH project. She also had concerns about the procedural issues with this article, meaning no information has been shared on this concept. Sandy Rogers of 82 Old Essex Road also a proponent of affordable housing but is not comfortable with the suggested site or density proposed in this article. Ms. Rogers went on to mention that the article would require moving of the DPW and no one has seen any details on this let alone a cost estimate. Robert (John R) Beatty of 15 Loading Place Road moved to divide the question with separate votes on sections a) and b). The motion failed with a vote of 60 yes and 78 no.

**VOTE:** Article 6 passed with a simple majority, 122 Yes, 16 No.

**ARTICLE 7:** To see if the Town will vote to amend Section 6.13.5 (Residential Conservation Cluster – Standards and Dimensional Requirements) of the Zoning By-Laws by adding a new subsection 6.13.5 (subsection 5), as follows:

Safe Access: Notwithstanding any other provision, any housing development with an access road greater than 500 feet in length and which is greater than fifty (50) dwelling units:

Must pave such access road, and

Must provide a paved secondary access road.

Each of these access roads shall be of adequate width, grade, and construction for vehicular traffic and shall be open and properly maintained at all times for ingress and egress.

\*Per Citizen petition

The Planning Board and the Board of Selectmen recommended voting against the article. The Finance Committee took no position on the article

**MOTION:** Bill Cross moved, and Jay Bothwick seconded to pass over the article.

**DISCUSSION:** None

**VOTE:** Article 7 passed with a simple majority, 115 Yes, 4 No.

**ARTICLE 8.** To see if the Town will vote to amend Section 6.11.4 (Development Scheduling – Rate of Development) of the Zoning By-Laws by rewording as follows:

The Building Inspector shall issue permits for construction of new residential structures only if in any consecutive twelve (12) month period such permit issuance will not result in either:

A total of more than 50 new dwelling units, or

Authorizing connection to the municipal sewage treatment facility for total of more than 50 dwelling units.

This By-law shall become effective as of the date of its enactment and remain in effect until repealed by a future Town Meeting.

\*Per Citizen petition

The Planning Board and the Board of Selectmen recommended voting against the article. The Finance Committee takes no position on the article

**MOTION:** Bill Cross moved, and Jay Bothwick seconded to pass over the article.

**DISCUSSION:** None

**VOTE:** Article 8 passed with a simple majority, 115 Yes, 4 No.

At 3:23PM Board of Selectman Chair Jeff Bodmer-Turner moved to dissolve. Becky Jaques seconded the motion and the Meeting voted unanimously by voice to dissolve.

Moderator Wilson declared the Special Town Meeting dissolved and thanked everyone for coming on a beautiful autumn afternoon.