

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

SPECIAL 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 at the Manchester Essex Middle/High School at 36 Lincoln Street, in Manchester-by-the-Sea, on Monday, the 14th day of November, two thousand and twenty-two AD, at six thirty o'clock in the evening, for the purpose, to wit:

ARTICLE 1: To see if the Town will vote to appropriate the sum of \$130,000 from the Town's Undesignated Fund Balance (Free Cash) as a supplemental appropriation to the FY23 Legal/Professional Services Account or take any other action relative thereto. The supplemental appropriation is needed to help pay for expenses related to the permitting process for the proposed 40B project on Upper School Street.

Per petition of the Select Board

The Select Board recommends Approval.

The Finance Committee will make their recommendation from the floor of Town Meeting.

ARTICLE 2: To see if the Town will vote to appropriate the sum of \$450,000 from the Town's Fire Engine Apparatus Fund for an ambulance re-build or to purchase a new ambulance, or take any other action relative thereto.

Per petition of the Select Board

The Select Board recommends approval.

The Finance Committee will make their recommendation from the floor of Town Meeting.

ARTICLE 3: To see if the Town will vote to petition the General Legislature to adopt a Special Act to permit the Town to recall elected officials and to provide for the process for recall, said Act to read as shown in Appendix A of this petition, a copy of which is attached hereto, or take any other action relative thereto.

Per a Citizen's Petition

The Select Board does not recommend approval.

The Finance Committee does not take a position on the article.

APPENDIX A TO CITIZENS PETITION TO SUBMIT A SPECIAL ACT TO RECALL ELECTED OFFICIALS IN THE TOWN OF MANCHESTER-BY-THE-SEA

SECTION 1. Any holder of an office elected solely by the voters of the town of Manchester- by-the-Sea may be recalled and removed from the office by the registered voters of the town as provided in this act.

SECTION 2. Not less than 50 registered voters of the town of Manchester-by-the-Sea may initiate a recall by filing with the town clerk an affidavit of intent to recall, signed under the penalties of perjury, containing the name of the officer and the office held whose recall is sought and a statement of the grounds of recall. The town clerk shall immediately forward the recall affidavit to the board of registrars to verify the signatures.

SECTION 3. Within 14 calendar days of receipt of the initial recall affidavit, the board of registrars shall certify to the town clerk a sufficient number of signatures. The town clerk shall, within 3 business days thereafter,

deliver to the first 10 signers of the affidavit a formal numbered printed recall petition sheet with the town clerk's signature and official seal attached thereto. The blanks shall be dated and addressed to the select board, shall contain the name of the person whose recall is sought, the office from which recall is sought and the grounds for recall as stated in the affidavit and shall demand the election of a successor to the office. The names of the first 10 signers of the initial recall affidavit shall be listed above the voter signature lines and any instructions to signers. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk.

SECTION 4. The recall petition shall be returned and filed with the town clerk and board of registrars not later than 5:00 P.M. 30 calendar days from the date of delivery of the recall petition sheets, or the next business day if the thirtieth day falls on a Saturday, Sunday, or legal holiday. The clerk shall notify the first 10 signers of the final date and hour for filing. The recall petition shall be signed by not less than 10 per cent of the registered voters of the town of Manchester-by-the-Sea as of the last annual town election and every signature shall include the place of residence of the signer with the street and number. Within 5 business days following the receipt of the signed petition, the town clerk shall submit the recall petition sheets to the board of registrars and the board of registrars shall certify in writing thereon the number of signatures that are names of registered voters in the town as of the date the petition sheet was filed with the town clerk.

SECTION 5. If the total recall petition sheets shall be found and certified by the board of registrars to be sufficient, the town clerk shall submit the certified petition to the select board within 2 business days. The select board shall immediately, and in not more than 5 business days, give written notice of the receipt of the certificate to the elected officer whose recall is being sought. If the officer sought to be removed does not resign within 3 business days thereafter, the select board shall, within 5 business days of the last day upon which the officer must resign under this Section, order a recall election to be held not less than 64 nor more than 90 calendar days from the date of the vote scheduling the election; provided, however, that if any other town election is to occur within 100 calendar days after the date of the vote, the select board may, in its discretion, place the question of recall on the ballot at such other election. If a vacancy occurs in the office sought to be recalled after a recall election has been ordered, but not yet been conducted, the election shall nevertheless proceed as provided in this act.

SECTION 6. An officer sought to be removed may be a candidate to succeed himself in an election to be held to fill the vacancy. The nomination of all candidates, the publication of the warrant for the recall election, and the conduct of the same shall be in accordance with the provisions of law relating to elections.

SECTION 7. The incumbent shall continue to perform the duties of the office until the recall election unless the incumbent resigns. If the incumbent is not recalled, the incumbent shall remain in office for the remainder of the incumbent's unexpired term, subject to recall as before. If recalled in the recall election, the incumbent shall be considered removed from office immediately. The successor, upon qualification, shall hold office during the unexpired term; provided, however, that if such person is not qualified within 10 business days of the recall election, the position shall be deemed vacant and may be filled in accordance with applicable law.

SECTION 8. Ballots used in a recall election shall contain the following question: shall (insert name and office) be recalled from office? Immediately at the right of the proposition, there shall be a designated place for voters to vote for or against the question.

Under the proposition shall appear the word "CANDIDATES" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath this, listed alphabetically, shall appear the names of candidates nominated as provided by law.

If a majority of the votes cast on the recall question is in favor of the recall, the elected official shall be recalled and the ballots for the candidates shall be counted. The candidate who received the highest number of votes shall be elected to the office. If a majority of the votes cast on the recall question is in the negative, the votes for candidates to fill the potential vacancy need not be counted.

SECTION 9. An initial recall affidavit shall not be filed against an elected official within 3 months after the official has taken office nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least 3 months have elapsed after the election at which the recall was submitted to the voters.

SECTION 10. A person who has been recalled from office, or who has resigned from office after the recall petition has been filed with the board of registrars shall not be appointed to any town office, board or committee within 3 years after the recall or resignation.

SECTION 11. This act shall take effect upon its passage.

ARTICLE 4: To see if the Town will vote to amend the Zoning By-laws, by deleting Sections 1, 2, 3 and 4 in their entirety and replacing them with new sections titled, Section 1: Purpose and Authority, Section 2: Definitions, Section 3: Districts, and Section 4: Use Regulations, to provide greater clarity regarding applicability; to add definitions; to clarify differences between sub areas of Residential District D; to provide regulations regarding split lots; to insert a Table of Uses that categorizes by type, district and permit granting authority all allowed principal and accessory uses and clarifies regulations of other accessory uses; or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 5: To see if the Town will vote to amend the General By-laws, by: adding a new Section A3 Junk Cars to Article XIV: Resident Parking; by numbering "Construction Site Activity" as Section 45 of Article X: Police and other Regulations; by adding a new Section 46 Driveway Entrances to Article X: Police and Other Regulations; by adding a new Article XXII: Storage of Commercial Materials and Vehicles; and by adding a new Article XXIII: Stormwater Management Special Permit, to allow regulation by the General By-laws, or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections>.

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 6: To see if the Town will vote to amend the Zoning By-laws, by deleting Section 8.5 Junk Cars, by deleting Section 6.15 Stormwater Management Special Permit, and by deleting Section 6.2.7 Curb Cuts to allow regulation by the General By-law, provided the amendments to the General By-laws presented under Article 5 are approved by the Attorney General, or take any other action relative thereto.

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 7: To see if the Town will vote to amend the Zoning By-laws, by renumbering Section 7.0 Administration to Section 12.0 Administration and Procedures, and by renumbering Section 6.1 Non-Conforming Uses and its subsections to Section 7.0 Non-Conforming Uses, or take any other

action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 8: To see if the Town will vote to amend the Zoning By-laws, by deleting Section 6.0 Special Provisions and replacing it with a new Section 6.0 General Regulations to renumber the section; remove redundant sections; create a comprehensive set of special permit and site plan review standards; change special permit and site plan review regulations to performance-based regulations where possible; make other minor modifications; delete site plan special permit requirements in compliance with case law; and, change stormwater regulations to reference those in the General By-law, or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 9: To see if the Town will vote to amend the Zoning By-laws, by substituting a new Section 12 Administration for Section 12.0 (as renumbered under Article 7) to clarify administrative requirements; add a section about review of Dover Amendment cases; add a section about reasonable accommodations; and define the make-up and role of the Planning Board, or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 10: To see if the Town will vote to amend the Zoning By-laws, by deleting section 7 (as renumbered under Article 7) replacing it with a new Section 7 Non-Conforming Uses that revises and expands regulations to allow more flexibility in approving modifications or re-uses of properties that are not in compliance with zoning regulations, to allow the Zoning Board of Appeals greater discretion in allowing non-conforming uses that are less detrimental to the Town, or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 11: To see if the Town will vote to amend the Zoning By-laws, by adding a new Section 8.6 Adult Entertainment to provide regulations of such establishments by special permit of the Planning Board, or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 12: To see if the Town will vote to amend the Zoning By-laws, by deleting Section 9.2 Residential Conservation Cluster and replacing it with a new Section 9.2 Residential Conservation Cluster to remove the minimum lot size for residential conservation clusters and specify density bonuses for deeded affordability, open space, or Town amenities, or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 13: To see if the Town will vote to amend the Zoning By-laws, by adding a new Section 9.4. Senior Housing to provide regulations that allow, by special permit, the development and use of alternative housing and nursing care for seniors and to create health care, housing and other supportive services for the senior populations in all Districts, and amending the Table 4.2 Table of Use Regulations (adopted under Article 4 of this Town Meeting) to add Senior Housing by Special Permit of the Planning Board in all Districts, or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 14: To see if the Town will vote to amend the Zoning By-laws, by modifying Accessory Use # 6 in Table 4.2 Table of Use Regulations (adopted under Article 4 of this Town Meeting) in Section 4 to "Y/ZBA" in Residential Districts A, B, C, E and the General District; and by deleting Section 9.1 Special Housing Provisions and replacing it with a new Section 9.1 Accessory Dwelling Units or take any other action relative thereto. The full text of the proposed changes is available at the Town Clerk's Office, the Library, or on-line at the Town's web site at <http://www.manchester.ma.us/703/Zoning-Recodification-and-Updates> or <http://www.manchester.ma.us/503/Town-Meetings-and-Elections> .

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 15: To see if the Town will modify the Zoning Bylaws by amending section 9.1 of the Zoning By-Laws by:

- 1) Deleting Section 9.1.2 (a) "Except in Single Residential District E, the lot size shall be two (2) times the minimum lot size as determined by zoning regulations."
- 2) Amending 9.1.2 (b) by deleting "the single family dwelling shall have existed on the lot as of March 1, 1984" and replacing it with "The single family dwelling shall have existed on the lot with an occupancy permit for two (2) or more years."
- 3) Amending 9.1.2 (c) by changing "Off-street parking for at least four(4) vehicles..." to "Off-street parking for at least three (3) vehicles..."
- 4) Re-lettering the remaining subsections (b) through (i)

or take any other action relative thereto. (If Article 14 is approved, the Planning Board will move to pass over Article 15.)

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

ARTICLE 16: To see if the Town will modify Table 4.2 Table of Use Regulations (adopted under Article 4 of this Town Meeting) of the Zoning Bylaws section E Accessory Uses #7 and Note 13 by inserting "or family member" after "employee", or take any other action relative thereto.

Per Petition of the Planning Board

The Select Board recommends approval.

The Finance Committee does not take a position on the article.

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, fourteen (14) 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 20 day of October, 2022.

Manchester-by-the-Sea Select Board

Rebecca SC Jaques

Rebecca Jaques, Chairperson

John Round

Brian Sollosy

Brian Sollosy

Ann Harrison

Ann Harrison, Vice Chairperson

Catherine Bilotta

Catherine Bilotta

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.

Joseph Aceth
Constable

10.21.22
Date of Posting

Dianne K. Succo
Received by Town Clerk



