

TOWN OF IPSWICH

WARRANT

**SPECIAL TOWN MEETING
October 16, 2006**

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ESSEX, ss

To the Constable of the Town of Ipswich in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Ipswich, qualified to vote in Town affairs, to meet at the Performing Arts Center of the Ipswich High School/Ipswich Middle School, 134 High Street, in said Ipswich, on MONDAY, THE SIXTEENTH OF OCTOBER, 2006, at 7:30 o'clock in the evening, then and there to act on the following articles, viz:

ARTICLE 1 PRIOR YEAR UNPAID BILLS

To see if the Town will vote to raise and appropriate, or transfer a sum of money from available funds, to pay unpaid bills incurred in prior years and remaining unpaid;

or take any other action relative thereto. *(Requested by: The Board of Selectmen)*

ARTICLE 2 FY'07 TOWN BUDGET AMENDMENTS

To see if the Town will vote to amend its action previously taken under Article 5 of the April 3, 2006, Annual Town Meeting (the FY'07 Municipal Operating Budget), by appropriating a sum of money in addition to that appropriated under said Article 5 (said appropriation to be raised by taxes, by transfer of available funds or otherwise), by transferring sums between departments and/or categories within departments; by transferring a sum of money received as FEMA reimbursement; and/or by determining if a portion of said additional appropriations shall be offset by estimated receipts of user fees, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Sec. 53E½;

or take any other action relative thereto. *(Requested by: The Board of Selectmen)*

ARTICLE 3 FY'07 SCHOOL BUDGET AMENDMENTS

To see if the Town will vote to amend its action taken under Article 6 of the Warrant for the April 3, 2006, Annual Town Meeting (the FY'07 School Department Operating Budget) by appropriating a sum of money in addition to that appropriated under said Article 6, said funds to be raised by taxes, by transfer of available funds or otherwise;

or take any other action relative thereto. *(Requested by: The Board of Selectmen)*

ARTICLE 4 **FY'07 WHITTIER REGIONAL HIGH SCHOOL BUDGET**

To see if the Town will vote to amend its action taken under Article 9 of the April 3, 2006, Annual Town Meeting (the FY'07 Whittier budget) by appropriating a sum of money in addition to that appropriated under said Article 9 to meet the FY'07 assessment, said funds to be raised and appropriated and/or transferred from available funds;

or take any other action relative thereto. *(Requested by: Whittier School Committee Representative Raymond Morley)*

ARTICLE 5 **FY 2007 SEWER BUDGET**

To see if the Town will vote: a) to amend its action taken under Article 10 of the April 3, 2006, Annual Town Meeting (the FY'07 Water and Sewer Budgets) by appropriating a sum of money in addition to that appropriated under said Article 10, said sum to be offset by revenues from the sewer division during FY'07;

or take any other action relative thereto. *(Requested by: The Board of Sewer Commissioners)*

ARTICLE 6 **CHAPTER 90**

To see if the Town will vote: (1) to appropriate a sum of money under the provisions of Chapter 90 of the General Laws, and to obtain any material, equipment and/or services incidental thereto; (2) to authorize the Board of Selectmen to acquire easements in conjunction therewith by purchase, gift, lease, eminent domain, or otherwise; (3) in furtherance of the project(s), to authorize the Board of Selectmen to apply for, accept, and expend any federal, state and/or private grants without further appropriation thereof; and (4) to determine whether said appropriation shall be raised by taxes, by transfer from available funds, or by borrowing;

or take any other action relative thereto. *(Requested by: The Board of Selectmen)*

ARTICLE 7 **PROCEEDS FROM THE SALE OF FORMER TOWN HALL**

To see if the Town will vote to transfer a sum of money from free cash which is a portion of the funds received from the sale of the former Town Hall and an additional sum of money received from the sale of the former Town Hall to a special fund to be established by the Finance Director for the purpose of certain capital improvements including, but not necessarily limited to, Town center improvements or renovation of the Central Fire Station;

or take any other action relative thereto. *(Requested by: The Board of Selectmen)*

ARTICLE 8 **REPORTS OF TOWN COMMITTEES**

To see if the Town will vote to accept the reports of certain Town standing committees or boards as deemed necessary and to continue such committees as the Town may vote to continue. *(Requested by: The Board of Selectmen)*

ARTICLE 9 **ACCEPTANCE OF STATE ENABLING LEGISLATION**

To see if the Town will accept state enabling legislation as follows:

Chapter 71: Section 37M. Consolidation of Administrative Functions with Town

Section 37M. (a) Notwithstanding the provisions of chapter forty-one or chapter seventy-one or any other special or general law to the contrary, any city or town which accepts the provisions of this section may consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the city or town; provided, however, that such consolidation may occur only upon a majority vote of both the school committee and in a city, the city council, with the approval of the mayor required by law or in a town, the annual town meeting or in a town with no town meeting, the town council.

(b) Notwithstanding any general or special law to the contrary, a decision to consolidate functions pursuant to paragraph (a) of this section may be revoked by a majority vote of either the school committee of the city or town, or the city or town, or both as such vote is described in said paragraph (a). *(Requested by: The Board of Selectmen)*

ARTICLE 10 **OPEN SPACE PROGRAM**

To see if the Town will vote to add the following parcels to the Open Space Parcels List (as referenced in Article 18 of the Warrant for the April 3, 2000, Annual Town Meeting) on file in the office of the Director of Planning and Development and in the Office of the Town Clerk, said changes having been placed on file in the office of the Director of Planning and Development and in the Office of the Town Clerk by October 1, 2006:

- 1) Land now/formerly of Frederick A. Wegzyn, 71 Town Farm Road, also known as Assessor's Map 21, Parcel 82, consisting of approximately 7.0 acres at the corner of Town Farm and Greens Point Roads;
- 2) Land now/formerly of Pony Express Farms, Inc., 24 Candlewood Road, also known as Assessor's Map 63, Parcel 4, consisting of approximately 94.17 acres;
- 3) Land now/formerly of M+L Realty Trust, Assessor's Map 53B, Lot 44, consisting of approximately 44 acres between Ipswich Woods Drive and the Ipswich River, just south of Colonial Drive;

or take any other action relative thereto. *(Requested by: The Open Space Committee)*

ARTICLE 11**M+L REALTY ACQUISITION**

To see if the Town will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen, under Article 18 of the April 3, 2000, Annual Town Meeting, to borrow a sum of money for the purpose of purchasing for conservation and passive recreation purposes, by negotiated purchase or otherwise, the fee simple interest in a tract of land totaling 44 acres, more or less, shown as Lot 44 on Map 53B of the Ipswich Assessor's maps, and further identified as Parcel A (36+ acres) and Parcel C (8.2+ acres) on a survey plan titled "Plan Accompanying A.N.R.A.D.", prepared for Habitech, Inc. by Northpoint Survey Services, 180 Water Street, Haverhill, MA, 01830, dated January 26, 2004, Scale 1 inch = 120 feet; including costs incidental and related thereto; that said land be conveyed to the Town of Ipswich acting by and through its Conservation Commission under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission of the Town of Ipswich, and that the Conservation Commission be authorized to file on behalf of the Town of Ipswich any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the Self-Help Act pursuant to Chapter 132A, Section 11 and/or any other state and/or federal programs in any way connected with the scope of this Article, and that the Board of Selectmen and the Conservation Commission be authorized to take all actions, enter and execute any and all instruments, including a Self-Help Project Agreement with the Commonwealth of Massachusetts, which may contain restrictions and covenants, as may be necessary on behalf of the Town to effect said acquisition;

or take any other action relative thereto. *(Requested by: The Open Space Committee)*

ARTICLE 12**HIGH STREET SEWER LINE EXTENSION**

To see if the Town will vote: to amend its action taken under Article 20 of the April 7, 2003, Annual Town Meeting (High Street Sewer Extension) by appropriating a sum of money in addition to that appropriated under said Article 20 for construction of a sanitary sewer extension to serve the area of 199-225 High Street, said funds to be raised by taxation, by transfer of available funds or borrowing;

or take any other action relative thereto. *(Requested by: The Board of Sewer Commissioners)*

ARTICLE 13**AFFORDABLE HOUSING REVISIONS**

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich by amending "IX. SPECIAL REGULATIONS, I. Inclusionary Housing Regulations" as follows:

1. revise "3.a." as follows:

- a) revise first sentence by deleting the words "70% for rental housing" and substituting in lieu thereof "60 percent for rental housing";

- b) add a new second sentence, said sentence to read as follows: “The sales price or monthly rent shall, in all instances, be such that the dwelling unit qualifies as local initiative unit under the Commonwealth’s Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town’s subsidized housing inventory under G.L.C. 40B Sec. 20-23.”;
 - c) revise existing second sentence by deleting the words “60 percent” and substituting in lieu thereof “50 percent”;
 - d) revise existing third sentence by deleting the words “33 percent” and substituting in lieu thereof “30 percent”; and
2. revise “2.b.” by deleting the words “minimum lot size of the new lot is 43,560 square feet” and substitute in lieu thereof the words “minimum lot sizes of the new lot and the remaining parcel are 43,560 square feet each, or for large lot exceptions, three acres”;

or take any other action relative thereto. *(Requested by: The Planning Board)*

ARTICLE 14 **MISCELLANEOUS ZONING REVISIONS**

To see if the Town will vote to:

(1) Amend the Protective Zoning Bylaw of the Town of Ipswich by:

- a) Amending “**III. DEFINITIONS**” as follows:
 - o Revise definition of “**COMMON DRIVEWAY**”, first sentence, by deleting the words “detached single-family residences may be located” and substituting in lieu thereof the following: “single-family or two-family residences may be located, except as otherwise provided in Section IX.A.6. of this Bylaw.”;
 - o Add definition of “**PARKING LOT OR STRUCTURE, COMMERCIAL**”, to read as follows: “A designated area or structure used for the parking and storage of vehicles which is operated as a business and open to the public for a fee.”
 - o Modify definition of “**INN**” by deleting the existing language in its entirety and substituting in lieu thereof the following: “A building or group of buildings containing no more than 15 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, and/or related retail and consumer services, intended primarily for serving the guest room occupants and only incidentally the public, may be provided within the building or buildings.”; and

- Modify definition of “**HOTEL, MOTEL**” by deleting the existing language in its entirety and substituting in lieu thereof the following: “A building or group of buildings with more than 15 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, or related retail and consumer services, may be provided within the building or buildings.”; and
- Revise definition of “**LOT LINE, SIDE**” by adding, to the end of the second sentence, the phrase “, notwithstanding Section VI.G.5. of this zoning bylaw.”; and
- Revise definition of “**MULTI-FAMILY RESIDENTIAL DEVELOPMENT**” by deleting the words “or two”;

b) Amending “**V. USE REGULATIONS**” as follows:

- For the use “Inn” under the “Commercial” heading, add a footnote “25.”, said footnote to read as follows: “25. The uses ‘Inn’ and ‘Multi-family dwelling units’ shall be allowed in the same building only by special permit from the Planning Board.”;
- Revise “**FOOTNOTES TO TABLE OF USE REGULATIONS**, footnote 23” as follows: Amend the first sentence by deleting the words “dormers or other” and by adding, to the end of the sentence, the phrase “, or exterior changes that, in the opinion of the Planning Board, enhance the architectural or historical character of the building.”

c) Amending “**VI. DIMENSIONAL AND DENSITY REGULATIONS**” as follows:

- Amend “B. Table of Dimensional & Density Regulations” as follows:
 - For the use “Mixed Residential/Business Use” in the Central Business and General Business Districts, under the column “Minimum Lot Area” add a footnote “30.” to the lot area requirement, said footnote to read as follows: “30. Provided that the lot upon which the mixed residential/business use is located is at least 5,000 square feet in area, no additional area is required for non-residential uses.”;
 - Within the Rural Residence B (RRB) row, add the use “Two-family”, and assign it the same dimensional and density requirements as those required for a Two-family use as allowed in the Rural Residence A and C Districts (RRA & RRC);
- Revise “F. Requirements for Accessory Buildings and Structures” as follows: modify third sentence by adding the words “or porches or other

similar structures” after the word “decks” and by adding the words “or porch or other similar structure” after the word “deck”; modify the fifth sentence, by replacing “600” with “750”;

- Revise “**FOOTNOTES TO TABLE OF DIMENSIONAL AND DENSITY REGULATIONS**” as follows:
 - Modify footnote “26.” by deleting the existing language in its entirety and substituting in lieu thereof the following: “This requirement shall apply to: (a) all conforming lots in existence as of the effective date of this bylaw; and (b) all developments that fulfill the requirements of Section IX.I. (Inclusionary Housing Requirements) or are expressly exempted from said Section IX.I requirements because they create only one single-family detached or attached dwelling, provided that a suitable restriction is recorded at the Essex South Registry of Deeds prohibiting the creation of additional units on the lot(s).”;

□

d) Amending “**VIII. SIGNS**” as follows:

- Revise “B. Application” by adding, after the first sentence, the following sentence: “Signs associated with properties requiring special permit or site plan review approval shall also require approval by the special permit granting authority, or in the case of site plan approval, the Planning Board.”;
- Revise “C. Definitions” as follows:
 - Amend the definition of “Sign” by renumbering “5.” and “6.” to “6.” and “7.”, respectively; adding a new paragraph 5., to read as follows:

“5. Hanging sign: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade or marquee sign.”;

and by revising the second sentence of “7. Sandwich Board Sign”, as follows: delete the words “shall not be” and substitute in lieu thereof the words “shall have no”; delete the words “as calculated for” and substitute in lieu thereof the words “on each side of a”; and delete the words “(diagram #1)”;
- Revise “D. Sign Requirements per Zoning District”, paragraph 4., as follows:
 - Amend “b.” by deleting the first sentence in its entirety and substituting in lieu thereof the following: “One hanging sign per business.”

e) Amending “IX. **SPECIAL REGULATIONS**” as follows:

- Revise “A. Open Space Preservation Zoning, 5.d.”, by deleting (1) in its entirety and renumbering (2) through (6) accordingly;
- Revise “J. Accessory Apartment” as follows:
 - Modify “2m.”, second sentence, by deleting the phrase “and the declaration of covenants”; and
 - Modify “2h.” by deleting the second sentence in its entirety and substituting in lieu thereof the following: “If the dwelling is located on a lot that does not conform to the dimensional requirements of this bylaw, then the alterations shall not expand the footprint or the envelope of the building, as it existed on the effective date of this bylaw, by more than 25%, or 500 square feet, whichever is greater.”; and

(2) Amend the Official Zoning Map of the Town of Ipswich by extending the Central Business (CB) District southwesterly 145^{+/-} feet along the easterly street line of South Main Street, thence easterly in a perpendicular line from South Main Street a distance of 177^{+/-} feet to a point, thence N38°E 96 feet ^{+/-} to the southerly street line of Elm Street, thence southeasterly along said street line 208 feet ^{+/-} to South Main Street, as shown on the attached map;

or take any other action relative thereto. *(Requested by: The Planning Board)*

ARTICLE 15 **IPSWICH HISTORICAL SOCIETY PROPERTY**

To see if the Town will authorize the Board of Selectmen to accept the deed from the Ipswich Historical Society of a gift of the fee simple interest in land located on County Street near its intersection with Elm Street, said property being 4,050 square feet in area and shown as Lot 4 on Land Court Plan 340¹, on file with the town clerk’s office. The Board is further authorized to accept the gift pursuant to certain terms and conditions, one of which shall be a restriction prohibiting any building from being erected on the property and others of which may include, but not necessarily be limited to, requirements to make certain improvements to the property subject to approval of the Historical Society, and a release and hold harmless of the Historical Society from liability or any hazardous materials that may be contained within the property;

or take any other action relative thereto. *(Requested by: The Board of Selectmen)*

ARTICLE 16 **ACCEPTANCE OF MULLIN RULE STATUTE**

To see if the Town will vote to accept the provisions of Section 23D of MGL Ch. 39 allowing members of any municipal board, committee or commission not to be disqualified from voting in an adjudicatory hearing solely due to the absence from no

more than a single session of the hearing at which testimony or other evidence is received;

or take any other action relative thereto. *(Requested by: The Planning Board)*

ARTICLE 17 **ACCEPTANCE OF TOWN STREETS**

To see if the Town will vote:

(a) to accept Ruths Way as a Town street as shown on a plan entitled "Street Acceptance Plan Located in Ipswich, MA", dated September 21, 2006, prepared for Habitat for Humanity by Meridian Associates, Inc., Donald E. Bowen, Jr., Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk; and

(b) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Ruths Way) for all purposes for which public ways are used in the Town;

(c) to accept Pitcairns Way as a Town street as shown on a plan entitled "Street Acceptance Plan Located in Ipswich, MA", dated 2/23/06, prepared by Professional Land Services, L.C., Robert M. Grasso, Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk; and

(d) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Pitcairns Way) for all purposes for which public ways are used in the Town;

or take any other action relative thereto. *(Requested by: The Planning Board)*

ARTICLE 18 **GENERAL BYLAWS ADMINISTRATIVE MODIFICATION**

To see if the Town will vote to modify Chapter XI of the Town's General Bylaws, Section 2. Conveyances of Land by adding the following section 2(d):

(d) The Board of Selectmen is authorized to grant nonexclusive easements for walkway and sidewalk purposes, storm drainage, including above ground and below ground purposes, utility purposes, building or signage overhang purposes and for the purpose of rounding street corners, which the Board of Assessors have determined to have a fair market value of less than \$25,000 or which are less than 5,000 square feet in size without a Town Meeting vote for such consideration as the Board of Selectmen deems appropriate, including nominal consideration;

or to take any other action relative thereto. *(Requested by: The Board of Selectmen)*

And you are directed to serve this Warrant by posting attested copies thereof at the Post Office and at each of the meeting houses in the Town, by publication at least seven days prior to the time for holding said meeting in a newspaper published in, or having a general circulation in, the Town of Ipswich.

Given unto our hands this twenty-fifth day of September in the year of our Lord, Two Thousand and Six.

TOWN OF IPSWICH
BOARD OF SELECTMEN

Patrick J. McNally -- Chair

Elizabeth A. Kilcoyne – Vice Chair

James W. Foley -- Member

Ingrid F. Miles -- Member

Edward B. Rauscher -- Member