

TOWN OF IPSWICH

WARRANT

**SPECIAL TOWN MEETING
October 15, 2007**

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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 FIFTEENTH OF OCTOBER, 2007, 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 to take any other action relative thereto. *(Requested by: The Board of Selectmen)*

ARTICLE 2 FY'08 TOWN BUDGET AMENDMENTS

To see if the Town will vote to amend its action previously taken under Article 7 of the April 2, 2007, Annual Town Meeting (the FY'08 Municipal Operating Budget), as amended by Article 8 of the April 2, 2007, Annual Town Meeting, by appropriating a sum of money in addition to that appropriated under said Articles 7 and 8 (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 to take any other action relative thereto. *(Requested by: The Board of Selectmen)*

ARTICLE 3 FY'08 SCHOOL BUDGET AMENDMENTS

To see if the Town will vote to amend its action taken under Article 9 of the Warrant for the April 2, 2007, Annual Town Meeting (the FY'08 School Department Operating Budget), as amended by Article 11 of the April 2, 2007, Annual Town Meeting, by appropriating a sum of money in addition to that appropriated under said Articles 9 and 11, said funds to be raised by taxes, by transfer of available funds or otherwise;

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

ARTICLE 4 FY'08 WHITTIER REGIONAL HIGH SCHOOL BUDGET

To see if the Town will vote to amend its action taken under Article 12 of the April 2, 2007, Annual Town Meeting (the FY'08 Whittier budget) by appropriating a sum of money in addition to that appropriated under said Article 12 to meet the FY'08

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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 2008 WATER BUDGET**

To see if the Town will vote to amend its action taken under Article 13 of the April 2, 2007, Annual Town Meeting (the FY'08 Water and Sewer Budgets) by appropriating a sum of money in addition to that appropriated under said Article 13, said sum to be offset by revenues from the Water Division during FY'08;

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

(Requested by: The Board of Selectmen)

ARTICLE 7 **TOWN CHARTER AMENDMENT**

To see if the Town will vote to amend the Town Charter, Section 27, **Estimates of Expenditures** from:

"On or before the 10th day of December of each year the town manager shall submit to the Selectmen a careful, detailed estimate in writing of the probable expenditures of the Town government for the ensuing year stating the amount required"

to read:

"Each year, the Town Manager shall submit a careful, detailed estimate in writing of the probable expenditures of the Town government for the ensuing year to the Selectmen **no later than 100 days prior** to the Annual Town Meeting stating the amount required....";

and:

to amend the Town Charter, Section 28, **Annual Budget** from:

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"On or before the 12th day of January of each year, the Selectmen shall transmit a copy of the budget together with their recommendations relative thereto to each member of the Finance Committee."

to read:

"Each year, the Selectmen shall transmit a copy of the budget together with their recommendations relative thereto to each member of the Finance Committee **no later than 65 days prior** to the Annual Town Meeting.";

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

ARTICLE 8 TOWN BYLAW AMENDMENT

To see if the Town will vote to change the Town Bylaws, Chapter V, Section 2a, **Consideration of Budgets**, from

"It shall be the duty of the Board of Selectmen and the School Committee to lay before the Finance Committee, on or before January 20th in each year, their budgets and projected expenses for the Town for the year, together with their recommendations for appropriations necessary to provide for the operation of the town government during the year. It shall be the duty of the Electric Commissioners to lay before the Finance Committee, on or before March 1st their projection of income and expenses for the Electric Department for the year....."

to read:

"It shall be the duty of the Board of Selectmen and the School Committee to lay before the Finance Committee, **no later than 65 days prior to the Annual Town Meeting**, their budgets and projected expenses for the Town for the year, together with their recommendations for appropriations necessary to provide for the operation of the town government during the year. It shall be the duty of the Electric Commissioners to lay before the Finance Committee, **no later than 65 days prior to the beginning of the fiscal year**, their projection of income and expenses for the Electric Department for the year.....";

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

ARTICLE 9 TOWN BYLAW AMENDMENT

To see if the Town will vote to amend the Town Bylaws, Chapter II, Section 5, **Adjournment**, by inserting language at the beginning of the section to include an adjournment time for the Annual and Special Town meetings:

to read:

“Annual and Special Town Meetings shall adjourn normally at 11:00 p.m. A meeting can be extended beyond 11:00 p.m. only to complete action on an article already under consideration. No motion to consider a new article may be admitted after 11:00 p.m. unless the Moderator secures a vote of the assembly to continue the meeting to a specific time or to continue until all warrant articles are completed.”;

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

ARTICLE 10 **SPECIAL ACT ON SEWER EXTENSION**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially in the form as set forth below, relating to amending Chapter 83 of the Acts of 1999 regarding the method of assessing sewer betterments upon petition of abutters; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT RELATIVE TO THE OPERATION OF THE SEWER SYSTEM OF THE TOWN OF IPSWICH

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Section 2 of Chapter 83 of the Acts of 1999 is hereby rescinded.

Section 2. Section 7 of chapter 30 of the Acts of 1946 is hereby amended by adding the following sentence: “Notwithstanding the provisions of the first sentence to the contrary, if the owners of not less than 66 2/3rds per cent of the land abutting a proposed sewer project, calculated on a basis consistent with the determined method of betterment of those lots to be served by said project, in accordance with Massachusetts General Laws, Chapter 83, Sec. 15, petition the sewer commissioners for construction of an extension of the sewer system subject to betterment, the sewer commissioners may assess betterments up to 100 per cent of the cost of such extension to the sewer system.”

Section 3. This act shall take effect upon its passage.

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

ARTICLE 11 **CITIZENS' PETITION: SEWER EXTENSION**

To see if the town will vote to adopt a resolution requesting that the town change the required 75% vote from the participants for a sewer project to 2/3rds of those voting, i.e., non-participants and non-response will not be counted as in favor or opposed.

ARTICLE 12 **STORMWATER BYLAW**

To see if the Town of Ipswich will vote to amend the General Bylaws of the Town of Ipswich by adding:

1) "Chapter XIX. Stormwater Management",

said chapter to read as follows:

"CHAPTER XIX. STORMWATER MANAGEMENT

SECTION 1. INTRODUCTION

The harmful impacts of contaminated stormwater runoff, increased peak flows and volumes of runoff, and erosion and sedimentation are:

- impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- contamination of drinking water supplies;
- alteration or destruction of aquatic and wildlife habitat;
- loss of topsoil;
- flooding; and
- overloading or clogging of municipal catch basins and storm drainage systems.

SECTION 2. PURPOSE

A. The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by controlling discharges to the municipal storm drain system and to waters of the Commonwealth in the Town of Ipswich. This bylaw establishes minimum requirements and procedures to control the adverse effects of increased stormwater runoff and nonpoint source pollution associated with new development and redevelopment. This bylaw also prohibits non-storm-water discharges into the municipal storm drain system and waters of the Commonwealth in Ipswich, except as exempted under Section 6 of this bylaw.

This bylaw seeks to meet that purpose through the following objectives:

- Minimize damage to public and private property and infrastructure;
- Safeguard the public health, safety, environment and general welfare of the public;
- Protect water resources and prevent contamination of drinking water supplies;
- Require practices that eliminate soil erosion and sedimentation on construction sites;
- Require practices that control the volume and rate of stormwater runoff resulting from

land disturbance activities;

- Promote infiltration and mimic natural hydrologic conditions;
- Maintain the natural hydrologic regime in streams, rivers, wetlands, ponds and groundwater.
- Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
- Require practices to control waste. such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, at the construction site that may cause adverse impacts to water quality;
- Comply with State and federal statutes and regulations relating to stormwater discharges; and
- Establish the Town of Ipswich's legal authority to ensure compliance with the provisions of this bylaw through funding, permitting, inspection, monitoring, and enforcement.

B. This bylaw and the regulations, criteria, policies and guidance adopted or promulgated pursuant to this bylaw, and any town stormwater management funding mechanism created pursuant this bylaw form an integral part of the Stormwater Management Program for the Town of Ipswich. This bylaw is intended to meet certain provisions of the Town's requirements to comply with the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Regulations for the Revision of the Water Pollution Control Program Addressing Storm Water Discharges (Phase I and II Rules).

SECTION 3. DEFINITION

For the purposes of this bylaw, the following shall mean:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person requesting authorization to connect to the Municipal Separate Storm Sewer System (MS4) or for a proposed land-disturbance activity.

BEST MANAGEMENT PRACTICE (BMP): A best reasonably available activity, procedure, restraint, or structural improvement that significantly reduces the quantity or improves the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CONNECTION and DISCHARGE PERMIT: Written authorization by the Permitting Authority pursuant to Sections 5B and 7 for the construction and/or maintenance of a direct connection to the MS4 of a discharge of storm water and of non-storm water from a sump pump or other source of collected stormwater. The Permit shall be for the purposes of protecting and

ensuring the integrity and proper operation of the MS4 and preventing pollution of the waters of the Commonwealth.

CONSTRUCTION PHASE: The period of time during which a site is under construction, from the initial alteration of the existing conditions to the completion of all site alteration, including installation of any utilities, roadways, driveways, and buildings, and all changes in vegetative cover.

DISCHARGE OF POLLUTANTS: The addition from any point source of any pollutant or combination of pollutants into the Ipswich MS4 or into the waters of the United States or Commonwealth.

DEVELOPMENT: Any modification of land to accommodate a new use or expansion of use, usually involving construction.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified Registered Professional Engineer (PE) which includes best management practices or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

GROUNDWATER: Water beneath the surface of the ground and not confined in a conduit or container.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the Ipswich municipal storm drain system, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, including without limitation sewage, process wastewater, or wash water, except as exempted in Section 6 of this Bylaw or in implementing regulations. The term does not include a discharge in compliance with an NPDES Discharge Permit or resulting from fire fighting activities.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

INFILTRATION: Replenishing groundwater through recharge or seepage of precipitation or stormwater runoff.

LAND-DISTURBING ACTIVITY AND/OR LAND DISTURBANCE: Any activity that causes a change in the position, elevation or location of soil, sand, rock, gravel, or similar earth material or that removes vegetative cover from the land.

LOW IMPACT DEVELOPMENT (LID): An approach to environmentally friendly land use planning and stormwater management that includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the MA Department of Environmental Protection and the MA Office of Coastal Zone Management, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of a set of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and peak flows of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OR STORM DRAIN SYSTEM: The system of conveyances designed, constructed, and used for collecting or conveying stormwater, including any street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Ipswich

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of stormwater to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OWNER: A person with a legal or equitable interest in property.

PERMITTING AUTHORITY: For the issuance of permits pursuant to Section 5, the Director of Public Works or His Designee.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any municipal storm drain system or waters of the Commonwealth. Pollutants shall include without limitation: (1) paints, varnishes, and solvents; (2) oil and other automotive fluids; (3) non-hazardous liquid and solid wastes and yard wastes; (4) refuse, rubbish, garbage, litter, or other discarded or

abandoned objects, ordnances, accumulations and floatables; (5) pesticides, herbicides, and fertilizers; (6) toxic or hazardous materials and wastes; sewage, fecal coliform and pathogens; (7) dissolved and particulate metals or nutrients; (8) animal wastes; (9) rock; sand; salt, soils; (10) construction wastes and residues; and (11) noxious or offensive matter of any kind.

POLLUTION: The presence in the environment of pollutants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property through such areas as may be affected thereby.

PRE-DEVELOPMENT CONDITIONS: The conditions that exist on a site at the time that plans for the site or land are submitted to the town, to the extent that such conditions have been legally created. Where development is constructed or permitted in phases, the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT CONDITIONS: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil, or by injection of collected precipitation, run off or adequately treated wastewater.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SOIL: Any aggregated particles of earth, sand, rock, gravel, or similar material.

STORMWATER/RUNOFF: Rainfall, snow melt and/or other surface water runoff and drainage.

STORMWATER MANAGEMENT: The planning, design, construction, regulation, improvement, repair, maintenance and operation of facilities and programs relating to water quality, flood plains, flood control, grading, infiltration, erosion and sediment control.

STORMWATER MANAGEMENT PERMIT: Written authorization by the Permitting Authority pursuant to Sections 5A and 7 for stormwater management at and for construction/development sites during and subsequent to alteration and construction.

TOXIC OR HAZARDOUS MATERIAL OR WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

USER: The owner of record of a property subject to the stormwater user fee.

WATERCOURSE: A natural or man-made channel through which water flows, or a stream of water, including a river, brook, or conduit.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, septage, or septic tank or cesspool contents or discharge, and process wastewater.

WETLANDS: Any bank, riverfront area, freshwater wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding.

SECTION 4. AUTHORITY

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34

SECTION 5. APPLICABILITY

A. No person may undertake an activity, except one which requires Site Plan Review, Definitive Subdivision Approval, or a Special Permit from the Planning Board or which requires a Order of Conditions from the Conservation Commission, which activity may include clearing, grading, and excavation that will result in a land disturbance exceeding any of the following thresholds, without a Storm Water Management Permit from the Permitting Authority:

1. Any activity that will result in soil disturbance of 5,000 square feet or more, or more than twenty-five percent (25%) of the parcel or lot, whichever is less;
2. Any land disturbance that creates greater than 1,000 square feet of impervious area;
3. Paving or repaving in excess of a total of 1,000 square feet of driveways, parking lots, and other impervious non-roadway surfaces;
4. Any activity that will disturb land with 15% or greater slope and where the land disturbance is greater than or equal to 2000 square feet within the sloped area.

For the purposes of establishing permitting regulations, criteria, and fees, and inspection, reporting, and certification requirements, the permitting authority may by regulation establish and define categories of projects as "major projects" and "minor projects".

B. No person may create or maintain a direct connection or discharge to the municipal storm drain system without a Connection and Discharge Permit from the Permitting Authority.

SECTION 6. EXEMPTIONS and WAIVERS

A. Exemptions

Exemptions from this bylaw apply to the following activities, provided that a project is solely comprised of any one of these activities:

1. As authorized in the NPDES General Permit for Stormwater Discharges from Small MS4s for Massachusetts, activities identified in Section 5 that are subject to jurisdiction under the Wetlands Protection Act.
2. Activities identified in Section 5 that require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board.
3. Construction of any fence that will not alter existing terrain or drainage patterns.
4. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling.
5. Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, designated by the Permitting Authority. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of a Emergency Certification by the Commission.
6. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04.
7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

B. Allowable Non-Storm Water Discharges

The following non-storm water discharges do not require a Connection and Discharge Permit if they will not be directly connected to or discharging to the MS4 via a pipe, hose or other direct conveyance system, or if the Permitting Authority determines that such a discharge will not likely contribute pollutants to the MS4:

1. Any discharges associated with municipal fire fighting activities (See Note 1);
2. Water line flushing;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
6. Uncontaminated pumped ground water;
7. Discharge from potable water sources;
8. Foundation and footing drains;
9. Air conditioning condensation;
10. Irrigation water, landscape irrigation;
11. Water from crawl space pumps;
12. Individual resident car washing;
13. Flows from riparian habitats, springs, and wetlands;
14. Dechlorinated swimming pool discharges; and
15. Residential building wash waters, without detergents.

Note 1: Discharges or flows from fire fighting activities occur during emergency situations. The permittee is not expected to evaluate fire fighting discharges with regard to pollutant contributions. Therefore, these discharges are authorized as allowable non-storm water discharges, unless identified, by the U.S. Environmental Protection Agency as significant sources of pollutants to waters of the U.S.

C. Waivers

The Permitting Authority may waive strict compliance with any requirement of Sections 5 and 7 of his bylaw or the rules and regulations promulgated hereunder, where such action:

1. Is allowed by and does not conflict with federal or state law or any Ipswich bylaws or regulations,
2. Is in the public interest; and
3. Is not inconsistent with the purpose and intent of this bylaw.

However, a waiver from this bylaw and/or regulations promulgated pursuant to this bylaw does not relieve the applicant or land owner of any obligations for compliance with other federal, state or local statutes, bylaws, regulations or permits.

SECTION 7. ADMINISTRATION

A. Authority. The primary authority for the administration, implementation, and enforcement of Sections 5 and 6 of this bylaw lies with the Permitting Authority.

B. Stormwater Management Permits and Connection and Discharge Permits. The Permitting Authority shall have the authority to issue a Stormwater Management Permit (SMP) and/or a Connection and Discharge Permit for projects subject to Section 5 that meet the requirements of this bylaw and are not exempted pursuant to Section 6. Any such Permit requirements may be defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw. The Permitting Authority shall by regulation establish

and collect Permit Application fees, Inspection fees, and in special cases, consultant fees for review of applications.

C. Delegation of Authority. The Permitting Authority may choose to delegate, in writing, his/her authority, in whole or in part, to a qualified representative.

D. Stormwater Regulations. The Permitting Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, procedures, delegation of authority, and administration of this Stormwater Management Bylaw relating to management and operation of the MS4.

E. Stormwater Management Guidelines. For execution of the provisions of this Bylaw, the Permitting Authority will utilize the policy, criteria and information, including specifications and standards, of the latest editions of the Massachusetts Stormwater Management Policy and Technical Handbooks, or approved local equivalents. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

SECTION 8. PROCEDURES

Procedures for obtaining and issuing the two permits authorized under this bylaw shall be established under this section and by regulation of the Permitting Authority.

A. General Procedures for Connection and Discharge and Stormwater Management Permits:

1. Entry. Filing an application for a permit grants the Permitting Authority permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
2. Action by the Permitting Authority. The Permitting Authority shall, within 30 days of the date of receipt of a completed application:
 - a) Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this bylaw;
 - b) Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw; or
 - c) Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this bylaw.
3. Failure of the Permitting Authority to take final action upon an Application within 30 calendar days of receipt of a complete application shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without action by the Permitting Authority, the Permit applied for must be issued.
4. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show

deviations from the approved plans, if any, and be certified by a Registered Professional Engineer. This requirement may be waived at the discretion of the Permitting Authority.

5. Fees. Each application must be accompanied by the appropriate application fee as established by Permitting Authority. Applicants shall pay review fees as determined by the Permitting Authority sufficient to cover any expenses connected with the review of the Permit Application, before the review process commences. The Permitting Authority is authorized to retain, at the expense of the applicant, a Registered Professional Engineer or other professional consultant to advise him/her on any or all aspects of the Application.

SECTION 9. CRITERIA FOR STORMWATER MANAGEMENT DESIGN

A. General Criteria. At a minimum all projects and project activities shall meet the design criteria or performance standards set forth in the most recent versions of Massachusetts Erosion and Sediment Control Guidelines or Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy and Technical Handbooks as applicable, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Permitting Authority. All proposed Connections and Discharges must be determined by the Authority to carry unpolluted water with no likelihood of being contaminated prior to discharging to the MS4.

B. Additional Criteria. Projects subject to this bylaw may also be subject to rules and regulations promulgated by the Permitting Authority, as allowed in Section 7 of this bylaw. In addition, the Permitting Authority may require that the applicant incorporate Low Impact Development techniques into the proposed project.

SECTION 10. CRITERIA FOR CONNECTIONS TO THE STORM DRAIN SYSTEM

A. General Criteria. Any sump pump connection to the municipal storm drain system must receive a Connection Permit from the Permitting Authority. Any such connection must be determined by the authority to carry unpolluted water with no likelihood of being contaminated prior to discharging to the MS4.

B. Additional Criteria. Projects within the jurisdiction of this bylaw may also be subject to rules and regulations promulgated by the Permitting Authority, as allowed in Section 7 of this bylaw.

SECTION 11. EMERGENCIES

A. Suspension Due to Illicit Discharges in Emergency Situations. The Permitting Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the DPW, its employees and agents may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

B. Notification of Spills. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the Ipswich MS4 or waters of the Commonwealth, the person shall take all necessary steps to ensure termination, containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Ipswich Fire, Police and Public Works Departments. In the event of a release of non-hazardous material, the reporting person shall notify the Permitting Authority no later than the start of the next business day. The reporting person shall provide to the Permitting Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

C. Suspension Due to the Detection of Illicit Discharge(s). Any person discharging to the MS4 in violation of this bylaw may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Permitting Authority will notify a violator of the proposed termination of its MS4 access by issuing and serving a written order, pursuant to Section 12(A)(2) of this bylaw. The violator may petition the Permitting Authority for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Permitting Authority.

SECTION 12. ENFORCEMENT

A. The Permitting Authority shall enforce this bylaw and the regulations, orders, violation notices, and enforcement orders issued pursuant thereto, and may pursue all civil and criminal remedies for such violations.

1. Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Permitting Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
2. Orders. The Permitting Authority may issue a written order to enforce provisions of this bylaw or regulations thereunder, and any permits issued under this bylaw, which may include, where appropriate:
 - a) Elimination of illicit connections or discharges to the MS4 or Waters of the Commonwealth;
 - b) Requirement for the performance of monitoring, analyses, and reporting;
 - c) Abatement and remediation of stormwater pollution or contamination hazards, and restoration of any affected property or impacts to water bodies;
 - d) Requirement to cease the land-disturbing activity until there is compliance with the bylaw and provisions of the construction phase and post-construction phase stormwater management permits;

- e) Maintenance of erosion and sediment control measures or installation of new such measures; and
 - f) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
3. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and the property owner shall reimburse the town's expenses.
 4. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Permitting Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Permitting Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, §. 57, after the thirty-first day following the day on which the costs were due.

B. Any person who violates any provision of this bylaw, or of any regulation, order or permit issued thereunder, may be punished by a fine of not more than \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

C. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.. 40, §. 21D and Ch. XVII, §. 4, subsection B of the General Bylaws of the Town of Ipswich, in which case the Permitting Authority shall be the enforcing person. The penalty for the 1st violation shall be \$50. The penalty for the 2nd violation shall be \$100. The penalty for the 3rd and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. To the extent permitted by State law, or if authorized by the owner or another party in control of the project, the Town may enter upon privately owned property for the purpose of performing duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as it deems reasonably necessary.

E. The decisions or orders of the Permitting Authority shall be final. Further relief shall be to a court of competent jurisdiction.

F. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 13. SEVERABILITY

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.”;

and

2) Amending "CHAPTER XVII. §. 4., Subsection B." by adding, to the end of the subsection, the following:

"Chapter XIX. Stormwater Management (Department of Public Works)

1. Illicit Connections and Discharges to the Storm Drain System
 - a. First offense 50.00
 - b. Second offense 100.00
 - c. Third and subsequent offense 200.00";

or to take any other action relative thereto.

(Requested by: The Board of Selectmen)

ARTICLE 13

ENERGY EFFICIENT ZONING

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows:

1) Amend **I. Purpose**, first sentence, by adding, after "to protect, preserve and maintain the existing surface and groundwater supplies within the known aquifers of the Town;", the words "to encourage efficient use and conservation of energy;"

2) Amend **III. Definitions** by:

a) Revising definition of "**BUILDING HEIGHT**" by inserting "solar energy collection apparatus" after "...bulkheads, cooling towers, ventilators..."; and

b) Adding the following definitions in the correct alphabetical order:

"SOLAR ENERGY COLLECTION APPARATUS – A device or structural design feature, the primary purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

WIND ENERGY CONVERSION SYSTEMS (WECS) – All equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including related transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower), anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.

WIND ENERGY CONVERSION SYSTEMS, COMMERCIAL – WECS that are designed or operated to provide less than fifty percent (50%) of its electrical output for use on site.

WIND ENERGY CONVERSION SYSTEMS, MUNICIPAL – WECS located on Town-owned or Town-controlled property without regard to the ownership of the structure or equipment.

WIND ENERGY CONVERSION SYSTEMS, NON-COMMERCIAL – WECS that are designed or operated to provide fifty percent (50%) or more of its electrical output for use on site.”;

3) Amend **V. Use Regulations** by:

a) Revising **D. Table of Use Regulations** as follows:

- i. Under Principal Uses, Community Facilities, revise the use “Town power plant, wastewater treatment facilities...or waste related facility” by deleting the words “Town Power Plant”;
- ii. Under Principal Uses, Community Facilities, add a new principal use, “Town power plant, including a municipal wind energy conversion system” and insert “SPB^{17, 26}” under each district column in that row;
- iii. Under Principal Uses, Commercial, add a new principal use, “Commercial wind energy conversion system” and insert “SPB^{17, 26}” under each district column in that row;
- iv. Under Accessory Uses, add a new row, “Non-commercial wind energy conversion system”, and insert “SPB²⁶” under each district column in that row;

b) Add a Footnote “26.” to **Footnotes to Table of Use Regulations**, said footnote “26.” to read as follows: “26. Subject to the requirements of IX.M. of this zoning bylaw.”; and

4) Amend **VI. Dimensional and Density Regulations**, **G. Other General Dimensional and Density Requirements**, **2. a.** by deleting the word “windmill” and replacing it with the words “wind energy conversion systems”; and

5) Amend **IX. Special Regulations**, by adding a new section, **M. Wind Energy Conversion Systems (WECS)**, said section to read as follows:

“M. Wind Energy Conversion Systems (WECS)

“1. Purpose.

The purpose of this section is to encourage the use of wind energy and to minimize the impacts of WECS on the character of neighborhoods, on property values, on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing wind energy technologies to be utilized.

2. Applicability.

Municipal and commercial WECS are permitted principal uses and non-commercial WECS are permitted accessory uses, whether they are freestanding or building mounted, provided that they receive a special permit from the Planning Board, and that they confirm to the standards listed below.

3. Dimensional Requirements.

WECS shall comply with the following dimensional requirements:

- a. Freestanding WECS shall not exceed seventy-five (75) feet in height, measured from the average grade to the highest point reached by the blade arc, unless the Planning Board, pursuant to VI.G.2.a. of this bylaw, finds that:
 - (1) A greater height does not derogate from the purpose of this section as set forth in 1. above;
 - (2) The project proponent has demonstrated that the additional height is needed; and
 - (3) The additional benefits of a higher tower outweigh any increased adverse impacts.
 - b. The maximum blade elevation of a building-mounted WECS at the highest point of blade arc shall be no greater than twenty (20) feet above the existing building height.
 - c. The minimum blade elevation for all WECS shall be no less than fifteen (15) feet above the ground at the lowest point of blade arc.
 - d. All WECS shall be set back at a distance equal to not less than one (1) times the overall height of the WECS from the nearest property line or traveled way. The required setback may be reduced by the Planning Board if it determines that a lesser setback will not present a risk to the public welfare nor adversely affect any other purpose of this bylaw.
4. General Standards. The following standards shall apply to all WECS, except for paragraphs a., c., and h., which shall only apply to freestanding WECS:
- a. The only type of freestanding commercial or municipal WECS allowed are monopole towers.
 - b. Climbing access to WECS shall be adequately secured.
 - c. WECS shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of WECS, such as appurtenant structures, shall be limited to that required for safety

and operational purposes, and shall be reasonably shielded from abutting properties.

- d. The noise level of WECS and associated equipment, as measured at the property line and nearest residence, shall:
 - (1) Be no greater than 10 dBA over the existing ambient noise levels; and
 - (2) Conform to Massachusetts noise regulations (310 CMR 7.10). To facilitate the Planning Board's determination of compliance with this standard, the Applicant shall be required to submit an analysis, prepared by a qualified engineer that demonstrates compliance with these noise standards, as well as consistency with Massachusetts Department of Environmental Protection guidance for noise measurement, unless the Planning Board finds the manufacturer's data on noise sufficient to make this determination.
 - e. Electromagnetic Interference with radio frequency communication, traceable to the operation or location of WECS, shall be limited in accordance with all applicable sections of the Federal Communications Commission specifications.
 - f. WECS shall be inspected and serviced annually according to the manufacturer's maintenance manual and will be considered abandoned if not properly maintained for a period of one year or if designated a safety hazard by the Building Inspector.
 - g. WECS shall be painted a non-reflective color designed to blend with the surrounding environment.
 - h. All wires associated with WECS shall be located underground.
5. Submission Requirements:
- a. A plan indicating the proposed location of the proposed WECS, existing and proposed structures, aboveground utility lines and any other significant features or appurtenances;
 - b. Structural drawings of the WECS tower, including pad design and guy wire design, if applicable;
 - c. Drawings and specifications, including noise data, of the generator, hub and blades, electrical support facilities, including transformers, cables and control devices;
 - d. Drawings indicating method of making tower inaccessible to unauthorized personnel; and

e. An operating and maintenance manual.

6. Criteria for Review and Approval.

- a. A special permit shall be granted under this section if the Planning Board finds that each of the general standards set forth above have been met and that the location of the WECS is suitable and that the size, height and design are the minimum necessary for that purpose.
- b. The Planning Board shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the Planning Board.
- c. The Planning Board may require the proponent to provide or pay for professional services to evaluate the proposal to determine the flexibility of geographic location, to analyze the loading capacities of the proposed structures, and to review camouflage and screening techniques.
- d. The granting of a special permit for a commercial or municipal WECS shall be conditional upon a finding by the Planning Board that the proposal is in the public interest and provides substantial benefit to the community, the burden of proof which shall rest with the applicant.
- e. Before it may approve the installation of a WECS, the Planning Board shall make a finding of fact that the locations of the facilities do not substantially adversely affect the surrounding area.”; and

4) Amend **X. Site Plan Review** by:

- a) Revising **C. General Standards** by deleting the word “and” from “10.”; adding “; and” to the end of “11.”; and adding a new standard “12.”, to read as follows: “12. Energy, water and resource efficient design, through appropriate building orientation, landscaping and use of resource efficient materials and energy- and water-efficient systems.”;
- b) Revising **K. Lighting**, second sentence, by adding the words “energy-efficient and”, after the words “Lighting shall be”;

c) Revising **L. Site Landscaping** by adding, at the end of the paragraph, the following unnumbered sentence: "To the extent feasible or practicable, landscaping should be designed in an environmentally sensitive manner with non-invasive drought tolerant plants, so as to reduce irrigation needs and heating and cooling needs.";

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

ARTICLE 14 **EXPANSION OF IN-TOWN RESIDENCE DISTRICT**

To see if the Town will vote to amend the Official Zoning Map of the Town of Ipswich by rezoning the following area, as shown on the attached map, from Rural Residence A (RRA) to In-town Residence (IR):

An area along or near the northerly side of East Street, including lots on Highland Avenue and lower Spring Street. Said area contains all or a portion of the following lots:

<u>Assessor's Map</u>	<u>Lots</u>
31C	100, 101, 106, 107, 108, 109, 110, 111, 112, 113, 114, 121, 123, 124, 127

A copy of the attached map is on file in the office of the Town Clerk and the Department of Planning & Development;

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

ARTICLE 15 **PLANNED COMMERCIAL DISTRICT REVISIONS**

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows:

(1) Amend "**IV. ZONING DISTRICTS, B. Intent of Districts, 6.**" by deleting the second and third sentences and substituting in lieu thereof the following sentence: Office and service uses are generally permitted; retail, research and development, enclosed manufacturing, warehousing and other commercial uses require a special permit."; and

(2) Amend "**V. USE REGULATIONS, B. Table of Use Regulations**" as follows:

Modify the "PC" column by changing the following prohibitions and allowances: after "Retail establishment selling general merchandise...", change "P" to "SPB"; after "Mini-storage warehouses", change "P" to "SPB"; after "Processing and treating of raw materials not enclosed...", change "SBA" to "-"; after "Enclosed manufacturing or processing", change "-" to "SPB"; and

(3) Amend "**VI. DIMENSIONAL AND DENSITY REGULATIONS**" by:

a) Revising **B. Table of Dimensional and Density Regulations**, as follows:

- under “District”, within the Planned Commercial row, and after the words “Planned Commercial”, add footnote “31.”
 - amend the assigned dimensional requirements shown for the uses within the PC District by deleting the percentage “40” under the Maximum Building Area column and substituting in lieu thereof the percentage “45”; and
- b) Adding footnote “31.” to “**FOOTNOTES TO TABLE OF DIMENSIONAL AND DENSITY REGULATIONS,**” said footnote to read as follows:
- “31. In the PC District, for the purpose of minimizing curb cuts along Route One, the following performance standards shall apply:
- a. No new curb cut shall be allowed that is closer than 150 linear feet from any existing curb cut, except as provided in b. or d. below. In addition, new curb cuts on state and local roads shall be discouraged and developers shall be encouraged to seek access via a common driveway serving an adjacent lot or premises.
 - b. Additional curb cuts shall be prohibited as set forth above; however, in general, one driveway curb cut shall be allowed per business, except that, in the case of a project with multiple businesses on the same premises, two means of ingress and egress shall be allowed and they may be constructed to be less than 150 linear feet apart and separated by a median strip.
 - c. Curb cuts shall be limited to the minimum width for safe entering and exiting. The Mass Highway Department Project Development and Design Guide, current version, shall be used as a guide for determining adequate traffic design standards for any commercial project.
 - d. The Planning Board, by special permit, may waive or alter any of the above performance standards, subject to a finding that said changes do not derogate from the intent of the Planned Commercial District.”;
- c) Revise “E. Screening Requirements”, second paragraph, first sentence, by deleting the words “Planned Commercial and Limited Industrial Districts” and substituting in lieu thereof the words “Limited Industrial District”;

or to take any other action relative thereto.

(Requested by: The Planning Board)

ARTICLE 16

MISCELLANEOUS ZONING

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows:

(1) Amend "III. DEFINITIONS" as follows:

a) Revise the definition of "LOT AREA" by deleting, from the first sentence, the words "open to public use.";

b) Revise "MAXIMUM BUILDING AREA" by deleting current title and substituting in lieu thereof "BUILDING AREA", to be listed in the proper alphabetical sequence, and by deleting the phrase "The sum of the horizontal projection(s) of all buildings or parts thereof on the lot" and substituting in lieu thereof the following: "The area of the footprint of all buildings on a lot, comprised of the sum of all horizontal projections as measured on a horizontal plane";

c) Revise the title of the definition "PRIVATE GUEST HOUSE" by deleting current title and substituting in lieu thereof "GUEST HOUSE, PRIVATE", to be listed in the proper alphabetical sequence; and

(2) Amend "V. USE REGULATIONS", as follows:

a) Amend the "TABLE OF USE REGULATIONS" by adding, to the column headings "RRA", "RRB", "RRC", and "IR", the footnote "16."; and by deleting the footnote "20." from the four rows within the RRB District and under the maximum building area column, and adding footnote "20." to the top of said column, as a footnote to "Maximum building area";

b) Amend "FOOTNOTES TO USE REGULATIONS" as follows:

1. amend Footnote "13.", first sentence, by deleting the words "five-foot high fence" and substitute in lieu there the words "four-foot high fence";
2. revise footnote "16." by deleting the phrase: "In the Planned Commercial, General Business, Central Business, Highway Business, Industrial, and Limited Industrial Districts,";
3. delete footnote "19." in its entirety, and substitute in lieu thereof the following: "19. Reserved."; and

(3) Amend "VI. DIMENSIONAL AND DENSITY REGULATIONS, FOOTNOTES TO TABLE OF DIMENSIONAL AND DENSITY REGULATIONS" as follows:

a) Amend Footnote "17." by adding, at the end of the sentence, the following: "Fences or walls are also exempt from the setbacks established in this Section, subject to the following requirements:

- a. For fences that extend beyond the required front yard setback (or the existing principal building, whichever is closer to the street), the

building inspector shall have the authority to require that it be open and less than six feet in height. This requirement shall be based on a determination that the proposed fence would create an undue safety or traffic hazard by reason of impeding minimum sight distance requirements as established by the American Association of State Highway Transportation Officials (AASHTO).

- b. All fences shall be installed so that the finished side faces the abutting properties.
- c. A building permit shall be obtained for all fences over six feet in height and for installing any fence four feet in height or greater which extends beyond the required front yard setback (or the existing principal building, whichever is closer to the street).
- d. All applications for fence installation shall include a plot plan showing the location of the proposed fencing.”;

b) Amend Footnote “20.” by deleting the current language in its entirety and substituting in lieu thereof the following: “20. The calculation of building area shall not include temporary structures or buildings, such as temporary tents and screen houses.”

c) Amend Footnote “21.” by adding, prior to the existing sentence, the following:

“When calculating the maximum floor area, the following shall apply:

- a. Open sun decks shall not be calculated towards floor area;
- b.”; and

(4) Amend “VII. OFF-STREET PARKING AND LOADING REGULATIONS” as follows:

a) Modify “B. Parking Requirements, Table of Minimum Parking Requirements”, by amending use “34. Shopping center” by deleting the words “Five (5) spaces for every 1000 square feet of gross leasable floor area” under the column heading “Required Parking Spaces” and substituting in lieu thereof the words “Four (4) spaces for every 1000 square feet of gross leasable floor area”;

b) Modify “O. Surface, Drainage and Curbing”, first sentence, by deleting the words “asphalt, concrete or similar,”;

(6) Amend “VIII. SIGNS, D. Sign Requirements per Zoning District”, paragraph “8.”, by deleting everything after “increased in size” and substituting in lieu thereof the following: “and number from the requirements of this subsection D., as follows: (a) permitted uses in the non-residential districts that contain only one use in a building may be allowed up to two wall signs, provided that the total square footage does not exceed what is otherwise permitted by more than twenty-five (25%) percent; (b) in no event may the allowable maximum sign sizes be increased by more than fifty (50%)”;

(7) Amend “IX. SPECIAL REGULATIONS, J. Accessory Apartment” as follows:

a) Revise “1. Purpose and Intent”, first sentence, by deleting the words “conforming and”;

- b) Revise "2.b." by deleting the phrase "; and shall be occupied by a maximum of two (2) persons";
- c) Revise "2.g.", first sentence, by adding the words ", RRB" after the words "In the RRA";
- d) Delete the current language under "2.i." in its entirety and substituting in lieu thereof the following language: "The record owner of the lot shall reside on the property, in either the principal dwelling or the accessory apartment.";

or to take any other action relative thereto.

(Requested by: The Planning Board)

ARTICLE 17

STREET ACCEPTANCES

To see if the Town will vote:

- 1) to accept Pitcairns Way as a Town street as shown a plan entitled "Street Acceptance Plan Located in Ipswich, MA, Roadway Layout, Pitcairn's Way," dated February 23, 2006, and revised August 29, 2006, prepared for BGT Trust by Professional Land Services, Robert M. Grasso, Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk;
- 2) 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;
- 3) to accept Cogswell Street Extension as a Town street as shown on the plan entitled "Definitive Plan of Land, Cogswell Street Extension, for Carl E. Gardner, Jr., dated July 1997 and revised on November 13, 1997, December 8, 1997, January 30, 1998 and May 13, 1998, prepared by Francis M. DeCesare, Registered Professional Land Surveyor and Civil Construction Management, Inc., and recorded at the Essex South District Registry of Deeds, Plan Book 327, Plan 16, a copy of which is on file in the office of the Town Clerk;
- 4) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Cogswell Street Extension) for all purposes for which public ways are used in the Town;
- 5) to accept Ruth 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, Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk;
- 6) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Ruth Way) for all purposes for which public ways are used in the Town;
- 7) to accept Partridgeberry Place as a Town street as shown on a plan entitled "Street Acceptance Plan Located in Ipswich, MA," dated August 17, 2007, prepared for the

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Martins Companies by Meridian Associates, Inc., Donald E. Bowen, Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk;

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

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

ARTICLE 18 **PERSONAL PROPERTY ASSESSMENTS**

To see if the Town will vote to accept Massachusetts General Laws, Chapter 59, Section 5(54), added by Chapter 159 of the Acts of 2000 which allows a city or town to establish a minimum fair cash value of \$10,000 for personal property accounts to be taxed, starting in FY 2009;

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

ARTICLE 19 **OPEN SPACE PROGRAM**

To see if the Town will vote to add the following parcel 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, 2007:

1) Land now/formerly of Carol A. Lopes, TE, and Peter Lopes, located at 300 High Street, also known as Assessor's Map 20A, Parcel 033, consisting of approximately 2.05 acres;

or to take any other action relative thereto. *(Requested by: The Water Division)*

ARTICLE 20 **ELECTRIC DEPARTMENT SUB STATION PROJECT**

To see if the Town will vote to appropriate a sum of money to survey, design and undertake construction of a new sub station and associated distribution equipment at the Vermette Court Sub Station and other improvements to the Town's electrical system on property owned by the Electric Department; to determine whether this appropriation shall be raised by borrowing or otherwise;

or to take any other action relative thereto *(Requested by: The Electric Commissioners).*

ARTICLE 21 **SPECIAL ACT: INCURRING INDEBTEDNESS**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially in the form as set forth below, relating to amending Chapter II, Section 6 of the Town's General Bylaws and superseding Chapter 324 of the Acts of 1994 which ratified the current bylaw;

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

ARTICLE 22 **RECONSIDERATION**

To see if the Town will vote to reconsider any or all previous articles raising and/or appropriating money which have a direct impact on the tax levy for the next fiscal year, as contained in this warrant, for the purpose of completing a budget which is balanced and in compliance with the levy limit provisions of Proposition 2½, so called;
or to take any other action relative thereto. *(Requested by: The Board of Selectmen)*

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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 Seventeenth day of September in the year of our Lord, Two Thousand and Seven.

TOWN OF IPSWICH
BOARD OF SELECTMEN

Elizabeth A. Kilcoyne -- Chair

Ingrid F. Miles – Vice Chair

James W. Foley -- Member

Patrick J. McNally-- Member

Edward B. Rauscher -- Member