

TOWN OF IPSWICH

WARRANT

**SPECIAL TOWN MEETING
October 25, 2010**

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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 TWENTY FIFTH OF OCTOBER, 2010, 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'11 TOWN BUDGET AMENDMENTS

To see if the Town will vote to amend its action previously taken under Article 4 of the May 11, 2010, Annual Town Meeting (the FY'11 Municipal Operating Budget), by appropriating a sum of money in addition to that appropriated under said Article 4 (said appropriation to be raised by taxes, by transfer of available funds or otherwise), by transferring sums between departments and/or categories within departments; 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'11 SCHOOL BUDGET AMENDMENTS

To see if the Town will vote to amend its action taken under Article 5 of the Warrant for the May 11, 2010, Annual Town Meeting (the FY'11 School Department Operating Budget), by appropriating a sum of money in addition to that appropriated under said Article 5, said funds to be raised by taxes, by transfer of available funds or otherwise;

or to take any other action relative thereto. *(Requested by: School Committee)*

ARTICLE 4 FY'11 WHITTIER REGIONAL HIGH SCHOOL BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to cover the Town's share of the ensuing year's annual operating and debt service expenses of the Whittier Regional Vocational Technical High School;

or to take any other action relative thereto. *(Requested by: Whittier Rep. Raymond Morley)*

ARTICLE 5 **FEOFFEES LITIGATION**

To see if the Town will vote to further amend Town Meeting’s action taken under Article 4 of the Warrant for the May 11, 2010, Annual Town Meeting (the FY’11 Town Operating Budget), by appropriating a sum of money in addition to that appropriated under said Article 4 to pay for legal, real estate and other professional services related to the Feoffees litigation, said funds to be raised by taxes, by transfer of available funds or otherwise and shall be repaid by the School Committee to the Town of Ipswich immediately, or not to exceed 3 years, upon receipt of the earliest Feoffee disbursement to the School Committee.

or to take any other action relative thereto. *(Requested by: Finance Committee)*

ARTICLE 6 **AMENDMENTS TO WETLANDS PROTECTION BY-LAW**

To see if the Town will vote to amend Section 2 of Chapter XVIII of the Town By-Laws (the Ipswich Wetlands Protection By-Law) to extend its jurisdiction for the purpose of stormwater management, by inserting the words included in **bold** text below, and by striking out the words show in ~~strike through~~ text (all other text remains the same):

Section 2: JURISDICTION

Except as permitted by the Conservation Commission or as provided in this By-Law, no person shall remove soil or vegetation from, fill, dredge, build upon, discharge into, or alter the following Resource Areas:

- Coastal Wetlands,
- Freshwater Wetlands,
- Bank, beach, dune, marsh, meadow, swamp, or flat bordering on a water body;
- or land within 100 feet of theses resource areas;
- Or land under a body of water;
- Or land subject to flooding, tidal action or coastal storm flowage;
- Or vernal pools within a wetland resource area;
- Or land within 150 feet of the Parker River/Essex Bay Area of Critical Environment Concern.

In any case where (i) a project or activity exceeds the review threshold contained in Section 5 of Chapter XIX (Stormwater Management) of the General Bylaws as may be amended, (ii) the project or activity does not require Site Plan Review, Definitive Subdivision or Special Permit Approval from the Planning Board, and

(iii) only a portion of that project or activity occurs within the above Resource Areas, the entire project or activity shall be subject to the requirements of Section 2. V. E “Stormwater Management” of the Rules and Regulations adopted pursuant to this By-Law as they may be amended from time to time. Otherwise, anyAny activity proposed or undertaken outside of the above areas is not subject to regulation

under this By-Law and does not require the filing of a permit application unless and until that activity actually alters any of the said resources areas.

In the event that the Commission determines that such activity has in face altered a Resource Area as identified in this By-Law, **it shall consult with the Department of Public Works**, and then impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the protection of the interest identified in this By-Law;

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

ARTICLE 7 CONVERSION OF ACCESSORY BUILDING INTO RESIDENTIAL UNIT

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

(Proposed changes shown by use of ~~strike through~~ for deleted language and **bold italics** for new language)

(1) Amending Section “V.D. Table of Use Regulations” as follows:

- a. under the “Residential” heading, for the principal uses “Single-family detached dwelling”, “Two-family dwelling”, “Multi-family dwelling” and “Multi-family residential development”, remove footnote “23” as shown below;
- b. under the “Residential” heading, for the principal use “Multi-family dwelling”, under the IR District column, add footnote “18” as shown below; and

TABLE OF USE REGULATIONS										
PRINCIPAL USE	DISTRICT									
Residential	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Single-family detached dwelling (Amended 10/15/01 10/23/01 and 10/18/04 STM,; A.G. 2/19/02, 1/27/05)	<i>p^{18,23}</i>	<i>P¹⁸</i>	<i>p^{18,23}</i>	<i>P^{18,23}</i>	—	—	—	—	—	—
Two-family dwelling ³⁰ (Amended 10/15/01 , 10/23/01, and 10/19/09 STM, AG 2/19/02 and, 2/16/10)	<i>SBA¹⁸</i>	<i>SBA¹⁸</i>	<i>SBA¹⁸</i>	<i>P^{18,23}</i>	—	—	—	—	—	—
Multi-family dwelling ³⁰ (Amended 10/18/04 and 10/19/2009 STM; 1/27/05 AG, 2/16/10)	—	—	—	<i>SPB^{18, 20,23}</i>	<i>SPB²⁰</i>	<i>SPB²⁰</i>	<i>SPB²⁰</i>	—	—	—
Multi-family residential development ³⁰ (Added 10/17/05 STM; 12/12/05 AG)	—	—	—	<i>SPB^{20, 23}</i>	<i>SPB²⁰</i>	<i>SPB²⁰</i>	<i>SPB²⁰</i>	—	—	—

(2) Amending Section “V.D Footnotes to Table of Use Regulations” as follows:

- a. Revise footnote “18.” to read as follows:

“18. Not more than one principal building per lot, except as allowed in multi-

family residential developments and except **for permitted uses in the IR and RRA District as provided in footnote 23 section IX. P.**”;

- b. Delete footnote “23.” in its entirety, and substitute in lieu thereof “23. Reserved.” as follows:

~~“23. **Reserved.** By special permit, the Planning Board may allow two principal buildings on a lot, provided that the lot contains: (a) only one existing single-family, two-family or three family dwelling at the time of application; and (b) the proposed additional single-family detached dwelling is located entirely within the envelope of an accessory building in existence on the effective date of this footnote, and not substantially altered subsequent to the effective date, except for appurtenances related to the conversion of a non-residential building to a dwelling unit, or exterior changes that, in the opinion of the Planning Board, enhance the historical or architectural character of the building. In considering the special permit application, the Planning Board will not find that the proposal satisfies the special permit criterion ‘Social, economic, or community needs served by the proposal’ (Section XI, J. 2. a.), unless the applicant provides a mechanism to achieve long-term affordability. To the extent feasible, the Planning Board may provide, or cause the Town to provide, a financial subsidy to assist the applicant in satisfying this objective.”~~
; and

- (3) Adding to section “IX. SPECIAL REGULATIONS”, a new subsection “P. Conversion of Accessory Building into Residential Unit”, said subsection to read as follows:

“P. Conversion of Accessory Building into Residential Unit

1. Purpose:

The purpose of this subsection is to:

- a. Allow more efficient use of existing buildings and infrastructure in the IR and RRA districts.***
- b. Increase the housing stock in existing neighborhoods to provide a mix of housing that responds to changing family needs and smaller households.***
- c. Increase the supply of affordable housing without significantly changing the character of existing residential areas.***
- d. Encourage the preservation and maintenance of historically and architecturally significant accessory buildings by permitting their adaptive reuse for residential purposes.***

2. Applicability:

An existing accessory building in existence on the effective date of this Section IX.P, and not substantially altered subsequent to the effective date, and located on a lot where the primary building is a single-family or two-family residential dwelling in the IR or RRA district, may be converted to a dwelling unit upon issuance of a special permit by the Planning Board in compliance with the requirements of this subsection.

3. Community Benefit:

The Planning Board shall not grant a special permit under this subsection unless the applicant can provide a community benefit as determined by the Board.

- a. Any conversion of an accessory building into a residential unit subject to a permanent affordability restriction shall be considered a community benefit. The definition of affordable housing shall be as provided in the zoning bylaw at the time of application, except that the Planning Board has the option to adjust the requirement provided that, at minimum, the proposed unit be affordable to a household earning no more than 80% of area median income.***
- b. Other potential uses that the Planning Board may find to meet a community need are as follows:***
 - i. Use of the dwelling unit for a family member, provided that upon the unit being vacated by family, use of the unit shall only be continued as a residential dwelling if it is affordable housing as defined in 3.a. above.***
 - ii. Applicant pays, to the affordable housing trust, a fee in lieu of providing an affordable unit. The amount of the fee shall be determined by the Planning Board.***
 - iii. Preservation, renovation, and reuse of an accessory building determined by the Planning Board to have historical or architectural significance.***

4. Standards for Reuse:

- a. Building: Existing accessory buildings shall not be demolished. In very limited instances, the Planning Board may permit the demolition and reconstruction of an existing accessory building, provided that one of the following conditions is met:***
 - i. The building does not have historical or architectural significance as determined by the Planning Board, and due to the condition of the building, replacement is more economically feasible than renovation. Additionally, the applicant shall be required to provide plans for replacement of a building that is in keeping with the principal building on the lot, as well as other existing buildings in the neighborhood.***

- (1) The building does not encroach any further than it currently does on property lines or setbacks, except as it relates to the primary dwelling.*
- (2) For buildings determined by the Planning Board to have historical or architectural significance, there is no adverse affect on the historical or architectural value of the building.*
- (3) The change does not substantially alter the visual impact of the building on abutting properties.*
- (4) In no instance shall the size of the accessory building be increased by more than 15% of its current size, including any appurtenances pursuant to c.i. and c.ii. above.*

5. Special Application Process:

All special permit applications shall be made and filed on the appropriate application form. For an application to be considered complete, it shall provide all information required by the Rules and Regulations Governing Granting of Special Permits, available from the Department of Planning and Development. The Board shall hold a public hearing on the application within thirty (30) days of its receipt.

6. Additional Conditions and Considerations

- a. Limitation of subdivision: No lot shown on a plan for which a permit is granted under this section may be further subdivided.*
- b. Deed restriction: Except when the Planning Board determines that a fee shall be paid in lieu of an affordable housing restriction per 3.b.ii. above, or an accessory building has historical or architectural significance and is being preserved, renovated and reused, per 3.b.iii., a deed restriction will be placed on the property to ensure that the affordability of the accessory dwelling unit is maintained.*
- c. Monitoring: Applicant will be required to submit to the Planning Board, on an annual basis, a letter confirming that the building converted by special permit under this provision is currently occupied by a family member or being used as an affordable dwelling unit if applicable*
- d. Mixed use: Certain non-residential uses permitted in the bylaw may be allowed in the accessory building.*

- e. ***Design Review Board: The Planning Board may request a consultation with the Design Review Board concerning the conversion of an accessory building to a dwelling unit as specified in this subsection.***

or to take any other action relative thereto.

(Requested by: The Planning Board)

ARTICLE 8

MISCELLANEOUS ZONING CHANGES

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

(1) Amending Section "III. DEFINITIONS" as follows:

(Proposed changes shown by use of ~~strike through~~ for deleted language and ***bold italics*** for new language)

- a. Add, in the correct alphabetical sequence, definitions of "AGRICULTURE", "AQUACULTURE", "KENNEL", "RIDING ACADEMY", "STABLE" and "VITICULTURE", said definitions to read as follows:

"AGRICULTURE: Farming in all its branches and the cultivation and tillage of the soil; dairying; the production, cultivation, growing and harvesting of any agricultural, floriculture or horticultural commodities; the raising of livestock including horses; the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes; bees; fur-bearing animals; and any practices, including any forestry or lumbering operations performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined.";

"AQUACULTURE: The science, art, and business of cultivating marine or freshwater food fish or shellfish such as oysters, clams, salmon, and trout, under controlled conditions.";

"KENNEL: A single premises with a collection of eight (8) or more dogs three (3) months or older that are maintained for any legal purpose, or where four (4) or more litters per year are raised, or where the boarding or grooming of dogs is performed as a business.";

"RIDING ACADEMY: An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.";

"STABLE: Livery, boarding or riding stables for four (4) or more horses which may include facilities for showing and training horses.";

"VITICULTURE: The cultivation of grapes.";

b. Revise the definition of “MULTI-FAMILY RESIDENTIAL DEVELOPMENT” to read as follows:

“MULTI-FAMILY RESIDENTIAL DEVELOPMENT: A lot which contains or has built upon it: (a) one or more multi-family dwellings; (b) one or more multi-family dwellings and one or more single or two-family dwellings, provided that the single family dwellings constitute no more than 25% of **the total units in** the residential development, or (c) two (2) or more two-family dwellings.”;

(2) Amending Section “V.D. Table of Use Regulations” as shown below:

PRINCIPAL USE	DISTRICT									
	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Wholesale, Transportation & Industrial										
Research offices or establishments devoted to research and development activities (Amended 10/20/08 STM; 1/28/09 AG)	—	—	—	—	SBA ²⁷	SBA ²⁷	SBA ²⁷	SBA ²⁷	SBA ²⁷	SBA ²⁷
Enclosed manufacturing or processing Enclosed manufacturing of a product including processing, blending, fabrication, assembly, treatment and packaging³⁵ (Amended 10/15/07 STM; 1/23/08 AG)	—	—	—	—	SBA	SBA	SBA	SPB	P	P
ACCESSORY USE	DISTRICT									
<i>(cont'd)</i>	RRA ¹	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Manager’s unit in hotels, motels, inns,	—	—	—	—	SPB	SPB	SPB	SPB	SPB	—
bed & breakfast establishments,	SPB	—	SPB	SPB	SPB	SPB	SPB	—	SPB	—
assisted living or life care facility,	—	SPB	—	SPB	SPB	SPB	SPB	SPB	—	SPB
campground,	SPB	—	SPB	—	—	—	SPB	—	—	—
and mini-storage warehouses (Added 10/15/01 STM; 2/19/02 AG)	—	—	—	—	SPB	SPB	SPB	SPB	SPB	SPB
use related to agriculture, aquaculture, floriculture, horticulture, silviculture or viticulture	SPB	—	SPB	—	—	—	SPB	SPB	—	SPB

(3) Amending Section “V.D Footnotes to Table of Use Regulations” by adding footnote “35.”, to read as follows:

“35. This includes the manufacture of products associated with alternative and renewable energy. For the purposes of this subsection, alternative energies include combined heat and power, and electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations. Renewable energies include solar – photovoltaic (PV) and thermal, wind, biomass power conversion or thermal technologies including the manufacture of wood pellets, ultra low emissions high efficiency wood pellet boilers and furnaces, low impact hydro – electric and kinetic, ocean thermal, wave or tidal, geothermal,

landfill gas, fuels cells that use renewable energy, and advanced biofuels.”; and

(4) Amending Section “VI.B. Footnotes to Table of Dimensional and Density Regulations”, by revising footnote “1.” to read as follows:

“1. Except in the Rural Residence C, the Planned Commercial, and the Limited Industrial Districts, no building in any district need have a front setback greater than **the front setback of the principal building(s) existing on the premises as of the effective date of this provision, or** the average front setback of the principal buildings **on abutting lots within 250 feet of each lot line facing the same street and located within the same area or district, whichever is less restrictive.** ~~located on the street on both sides within a distance of 500 feet.~~ In determining such average, a vacant lot having a frontage of at least eighty (80) feet shall be considered to have a front setback conforming to the requirements of this bylaw.”;

(5) Amending Section “VIII. SIGNS” as follows:

a) Revise “C. Definitions” by:

1. Amending the definition of “SIGN” by renumbering “6.” and “7.” to “7.” and “8.”, respectively; adding a new paragraph “6.”, to read as follows:

“Off-Premises Sign: Any sign which advertises or announces a use conducted, or goods available elsewhere other than on the lot where the sign is located.”;

2. Revising the definition of “TEMPORARY SIGN,” paragraph 1.c.(1)” to read as follows:

“c. Real Estate sign:

- (1) shall be related to sale, rental, or lease of same lot
 - (2) shall not be more than ~~four (4)~~ **six (6)** square feet in area.”;
- and

b) Revise “D. Sign Requirements per Zoning District” by:

1. Amending paragraph “3.” to read as follows:

“3. In Highway Business and Planned Commercial Districts, the following signs are permitted: (Amended by 10/20/03 STM, approved by AG 1/22/04)

- a. all signs listed in D.1. a through f;
- b. one banner sign;
- c. one wall sign ...per business;
- d. one free-standing directory sign ...;

e. Off-premises, free-standing signs; **may be permitted by special permit from the Planning Board. Each such sign of which shall have an area of no not be more than two (2) square feet per business or institution identified on the sign. Up to six (6) separate businesses or institutions may be advertised on one sign for up to twelve (12) square feet of combined area. twenty (20) square feet in area may be permitted by special permit;’;**

2. Adding a new paragraph 6.c. to read as follows:

“6. In all districts the following additional signs are permitted:

- a. any free-standing sign ...;
- b. one sign attached to the building wall...;
- “c. **additional wall sign(s), conforming to the size specifications in subsection D. 2. through D. 5. above, on each secondary frontage, if a building has frontage on more than one (1) public street, or public entrances on more than one (1) façade. However, no business or other establishment shall have more than two (2) such secondary wall signs.**”; and

3. Amending paragraph 8. to read as follows:

~~“Signs proposed in conjunction with a development requiring site plan approval or Planning Board special permit may, by Planning Board special permit, be increased in size 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%). where this will not be incongruous with the surroundings, based upon consideration of the following:~~

- a. **The number of occupants and signs per building,**
- b. **The size of the building and integration of sign and building design,**
- c. **The character of the proposed sign, its relationship with the building and size of the building,**
- d. **The subject matter of the sign,**
- e. **The impact of the sign on abutting streets and property owners,**
- f. **Such other factors that the Planning Board deems appropriate to give assurance that the public interest will be protected.”;**
and

(6) Amending Section “IX. SPECIAL REGULATIONS”, subsection “4.” as follows:

- a) Revise “G. Wireless Communications Facilities” by amending paragraph “4b.” as follows:

“4. Performance Standards/General Requirements

The following performance standards and general requirements shall apply to all WCFs:

- a. Compliance with Federal and State Regulations...
- b. Co-location (***for the purposes of this subsection, co-location is defined as the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.***) of WCFs. WCFs shall be designed to accommodate the maximum number of users technologically practical. Shared use of freestanding, building-mounted, or indoor WCFs by commercial carriers is required unless such shared use is shown to be not technologically practical...

- b) Revise “L. Home Occupations, paragraph 4.” to read as follows:

“4. Prohibited Occupations/Activities

The following occupations or activities are expressly prohibited as home occupations:

- a. servicing, maintenance, or restoration of motor vehicles
- b. trucking or warehousing activities
- c. ongoing retail, show windows or displays
- d. sale of articles, except as provided in 3. above
- ~~e. commercial stables or kennels~~
- ~~f.~~ **e.** animal hospital
- ~~g.~~ **f.** medical or dental clinics
- ~~h.~~ **g.** bakery
- ~~i.~~ **h.** bed and breakfast home or establishment”; and

- c) Revise “N. Requirements for Uses Involving Hazardous and Toxic Materials”, paragraph 3.d. to read as follows:

“d. In addition to reporting, owners or operators of any use registered in accordance with this subsection shall maintain on the premises an inventory, reconciled on a quarterly basis, of purchase, use, sale (***excluding sales made in the ordinary course of business***) and disposal of hazardous materials. ***After one (1) year of operation, the Planning Board may, by special permit, allow reconciliation less frequently than quarterly, but in no instance shall reconciliation occur less than once per year.***”; and

(7) Amending Section "X. SITE PLAN REVIEW" as follows:

a. Revise "D. Submission Procedure" as follows:

- Revise paragraph "2." to read as follows:

"2. The Board shall hold a public hearing on the application within thirty (30) days of its receipt. Notice of the hearing shall be given by publication in a newspaper of general circulation in the Town ~~once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing,~~ and by posting such notice in a conspicuous place in the Town Hall ~~for a period of not less than fourteen (14) days before the day of such hearing.~~ In addition, notice of said hearing shall be sent by mail, postage prepaid, ~~to all parties in interest as specified in Massachusetts General Laws, Chapter 40A, Section II.~~ All costs for publication and notice of the public hearing shall be borne by the applicant.";

- Add paragraph "4.", to read as follows:

"4. Site Plan Review is an administrative review process that does not provide the Planning Board with discretionary power to deny the proposed use. As such, decisions rendered by the Planning Board are not appealable except at the stage of issuance or denial of a building permit."; and

b. Amend subsection "I. Compliance" as follows:

~~1. Site plan review approval granted under this Section shall lapse within two years of the date of approval if a substantial use thereof has not sooner commenced. Such approval may, for good cause, be extended by the Planning Board upon the written request of the applicant, provided that any application for extension is submitted before the two years have expired.~~

~~2.~~ **1.** Except as described in 2. below, no final occupancy permit shall be issued for any building or structure, or portion(s) thereof, until:

a. The Building Inspector receives certification from a registered architect, engineer or land surveyor, that all construction, including utilities, has been done in accordance with the approved site plan; and

b. The Building Inspector verifies that all conditions of the approved site plan have been met.

~~3.~~ **2.** Occupancy permits may be issued for a portion of any building or structure, if The only incomplete work shown on the site plan is landscaping and/or roadway top course, and surety in an amount approved by the Planning Board is posted to ensure that the incomplete landscaping and/or roadway top course is completed within a reasonable time. The Planning Board may allow surety to be posted for site work in addition to landscaping and the roadway top course, if an unusual or unexpected event prevents the applicant from completing the site work.

c. Delete subsection "O. Appeal" in its entirety as shown:

~~"O. Appeal: Any appeal of the decision of the Planning Board under this section shall be governed by Massachusetts General Laws, Chapter 40A, Section 17.";~~

or to take any other action relative thereto.

(Requested by: The Planning Board)

ARTICLE 9 **NORTH GREEN SIDEWALK EASEMENT**

To see if the Town will vote to:

(a) authorize the Board of Selectmen to petition the Massachusetts General Court, pursuant to Article 97 of the Massachusetts Constitution, to approve the transfer of the two parcels of land shown as "SW-1" and "SW-2" on the plan entitled "Ipswich, North Main Street at Meetinghouse Green, Right of Way Plans Sheet 2 of 4," prepared by Vanasse Hangen Brustlin, Inc., dated 9-27-2010, a copy of which is on file in the office of the Town Clerk, to the Board of Selectmen for sidewalk purposes, said parcels now being a portion of the parcel of land known as the North Green (further described as Parcel 292 on Assessor's Map 42A);

(b) approve the modification of the layouts of North Main Street to include the aforesaid parcels SW-1 and SW-2 as shown on said plan, and to exclude land no longer needed for public way purposes, said modification to take effect only upon the approval of the aforesaid petition by the General Court and the Governor; and

(c) approve the modification of the layout of Meetinghouse Green to exclude land no longer needed for public way purposes; and

(d) assign the care, custody, and control of the remainder of the land known as the North Green, and to transfer the land now within the layout of North Main Street and Meetinghouse Green no longer needed for public way purposes, as shown on said plan, to the Parks and Cemeteries Commission for park purposes;

or to take any other action relative thereto.

(Requested by: The Planning Board)

ARTICLE 10 **LAND SWAP WITH EBSCO AT COMMUTER RAIL STATION**

To see if the Town will vote to transfer a portion of Town land described in a deed recorded with the Essex South Registry of Deeds in Book 7391, Page 201, further known as Lot 49 on Assessor's Map 42C, said portion of land consisting of 153 square feet and shown as Parcel Y on a plan entitled "Plan of Land in Ipswich, MA, Property of EBSCO Industries, Inc. and the Town of Ipswich," prepared by Donohoe and Parkhurst, Inc. and dated April 21, 2010, from such board as has care, custody, and control for the purposes for which it is presently held, to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land on such

terms and conditions as the Board of Selectmen deems to be in the best interests of the Town, in exchange for the gift of a portion of land described in a deed recorded with the Essex South Registry of Deeds in Book 13247, Page 318, further known as Lot 194 on Assessor's Map 42A, said portion of land consisting of 477 square feet and shown as Parcel X on the above-referenced plan;

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

ARTICLE 11 **COMMUNITY SEPTIC MANAGEMENT PROGRAM**

To see if the Town will vote to raise and appropriate the sum of **\$1,000,000** by borrowing from the Massachusetts Water Pollution Abatement Trust pursuant to MGL, Ch. 29c, for the purpose of funding the Town's program to repair, replace or upgrade septic waste disposal systems;

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

ARTICLE 12 **SENIOR TAX DEFERRAL PROGRAM**

To see if the Town will vote to reduce the interest rate assessed under the Senior Tax Deferral Program (MGL, Chapter 59, Section 5, Clause 41A) from eight (8) percent to four (4) percent, such change to be effective for deferrals granted for taxes assessed for any fiscal year beginning on July 1, 2011;

or take any action relative thereto. *(Requested by: Finance Committee)*

ARTICLE 13 **ACCEPTANCE OF STATE LEGISLATION:
SUNDAY ALCOHOLIC BEVERAGES SALES**

To see if the Town will vote to accept local option legislation: M.G.L. 138, 33B, as amended, which authorizes the Board of Selectmen, as the Local Liquor Licensing Authority, to issue licenses allowing licensees to sell alcoholic beverages starting at 10 a.m. on Sundays and certain legal holidays;

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

ARTICLE 14 **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)*

And you are directed to serve this Warrant by posting attested copies thereof in the Town Hall and in at least one public place in each precinct and by publication in a newspaper published, or having a general circulation in, the Town of Ipswich at least fourteen days prior to the time for holding the Special Town Meeting.

Given unto our hands this Twenty Seventh Day of September in the year of our Lord, Two Thousand and Ten.

TOWN OF IPSWICH
BOARD OF SELECTMEN

Charles D. Surpitski -- Chair

Raymond K. Morley -- Vice Chair

Patrick J. McNally -- Member

Shirley A. Berry -- Member

William M. Craft -- Member