

TOWN OF IPSWICH

WARRANT

**SPECIAL TOWN MEETING
October 15, 2012**

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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, 2012, at 7:30 o'clock in the evening, then and there to act on the following articles, viz:

ARTICLE 1 UNPAID BILLS

To see if the Town will vote to transfer from available funds a sum of money, 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)

Summary:

This is a standard article to pay any unpaid bills incurred in prior fiscal years and remaining unpaid. This article will raise and appropriate **\$24,434.92** to pay unpaid bills incurred at the end of FY'12.

<u>ACCOUNT</u>	<u>VENDOR</u>	<u>AMOUNT</u>	<u>TOTAL</u>
<u>1.</u> LEGAL	Donn Berry	\$2,911.00	\$2,911.00
<u>2.</u> DPW	Enpro	\$8,471.27	\$10,117.57
	Enpro	\$1,646.30	
<u>3.</u> WATER	Wright-Pierce	\$3,755.32	\$11,406.35
	Wright-Pierce	\$6,666.03	
	New England Water Works	\$985.00	
Grand Total:			\$24,434.92

- 1) The Donn Berry legal bills were incurred in June 2012 and arrived after the FY 2012 books were closed on July 15.
- 2) The Enpro charges were incurred in June 2012 and arrived after the FY 2012 books were closed on July 15.
- 3) The Wright Pierce Engineers bill was for work done on the Chlorine Dioxide System at the water plant. The work was done in May 2012 but was not billed until July 2012 after the books had been closed on July 15. The New England Water Works bill was for training that was billed after the FY 2012 books were closed on July 15.

This requires a 9/10 majority vote.

ARTICLE 2**FY'13 TOWN BUDGET AMENDMENTS**

To see if the Town will vote to amend its action previously taken under Article 5 of the May 8, 2012, Annual Town Meeting (the FY'13 Municipal Operating Budget), to:

- 1) appropriate **\$17,200** in additional Local Aid from the Commonwealth of Massachusetts to Facilities Department to fund the following projects:
 - a. Complete repairs to Cemetery Office and Garage (replace overhead door, office door and windows, and related repairs): \$5,500;
 - b. Cost overrun on repairing sidewalks at Town Hall: \$3,300;
 - c. Wiring, equipment and modifications to outfit the Emergency Operations Center in Town Hall: \$8,400;
- 2) appropriate **\$13,763** in additional Local Aid from the Commonwealth of Massachusetts to Health Insurance;
- 3) appropriate **\$75,000** from the Waterways Improvement Fund to the Harbormaster Budget for the purchase of a new Harbormaster's patrol boat;
- 4) appropriate **\$68,000** from free cash to the Police Department budget for the purchase of two (2) new Police Interceptors;

or to take any other action relative thereto.

(Requested by: Board of Selectmen)

Summary:

- 1) Facilities Department projects
 - a. The Capital Budget included \$14,000 for renovation to the Cemetery Office. However, in March the oil burner in this facility failed and \$4,200 of Capital Funds were used to repair the burner. These unanticipated costs were not originally part of the renovation.
 - b. The original appropriation for sidewalk repair at Town Hall was \$37,534, actual costs exceeded this amount.
 - c. The Town Manager has directed that the Emergency Management Director and Facilities Director modify a room in the Town Hall to serve as the Emergency Management Center (EOC). Presently, the Town has no EOC and nowhere to store and set up emergency operation equipment. The Massachusetts Emergency Management Agency (MEMA) has reviewed the plans and the town is prepared to move forward on basic set up for an EOC.
- 2) Health insurance costs fluctuate during the year with changes in employee coverage. Additional funds from supplemental Local Aid will be used to offset unanticipated health insurance expenses during FY' 2013.
- 3) The current Harbormaster patrol boat was purchased for \$73,500 in the spring of 2007. This boat, although once effective, is not a commercial grade boat and has over 1650 hours of

service time on its engine. It has outperformed its service life, has seen a dramatic increase in maintenance costs and should be replaced while it still has some trade-in value. The new commercial grade boat will be "job specific" for water rescues and law enforcement patrols. Replacing the boat at this time allows for the bid process, with department specifications, to proceed in a timely manner. Additionally, it provides time for the boat to be built, delivered and ready for service in late spring 2013. Funding for this patrol boat would be entirely out of the Waterways Improvement Fund, which is a special revenue account funded annually by all mooring fees, all launch fees and 50% of state personal property tax collections on boats. The current balance of the Waterways Improvement Fund is \$75,627.40.

- 4) The Police cruiser fleet is old and in poor condition. Due to hours and miles put on cruisers, cruisers should be replaced every 2 ½ - 3 years. Based on a cruiser fleet of 6, front line vehicle schedule should be 2-2-1-1 replacement schedule. This schedule was implemented in 2007. Vehicle maintenance costs have begun to rise in an effort at keeping the aging fleet in service and safe for officers. The two vehicles being replaced are each "front line" cruisers with an excess of 115,000 miles of service time. One vehicle is a 2008 model and the second vehicle is a 2009 model. In addition to the cost savings on maintenance, advancements in vehicle design and technology will result in an increase of gas mileage of approximately 35% per vehicle.

ARTICLE 3 **FY'13 SCHOOL BUDGET AMENDMENTS**

To see if the Town will vote to amend its action taken under Article 8 of the Warrant for the May 8, 2012, Annual Town Meeting (the FY'13 School Department Operating Budget), to:

- 1) appropriate **\$112,645** from free cash to reimburse the School Department for Federal Medicaid funds deposited into the General Fund during Fiscal 2012; and to
- 2) appropriate **\$187,437** from the additional Local Aid from the Commonwealth of Massachusetts to the School Department budget.

or to take any other action relative thereto.

(Requested by: School Committee)

Summary:

- 1) \$112,645 from free cash to reimburse the School Department for Medicaid funds deposited into the General Fund during Fiscal 2012. This is a routine transfer. Medicaid funds are deposited into the General Fund each year and transferred from free cash to the School Department in the following fiscal year.
- 2) \$187,437 represents the schools share of the additional Local Aid

ARTICLE 4 ACCEPTANCE OF STATE LEGISLATION: OTHER POST EMPLOYMENT BENEFITS TRUST FUND

To see if the Town will vote to accept M.G.L., Chapter 32B, Section 20, which governs group health insurance for active and retired employees of local governments and which permits cities and towns to set up a special trust fund to be called, the Other Post Employment Benefits (OPEB) Liability Trust Fund, for appropriations made to cover the unfunded actuarial liability for health care and other post-employment benefits for retirees and name the Health Care Security Trust board of trustees as the custodian of the fund;

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

Summary:

M.G.L. Chapter 32B governs group health insurance for active and retired employees of local governments. A local option section, Section 20, permits cities and towns to set up a special trust fund to be called, the Other Post Employment Benefits (OPEB) Liability Trust Fund, for appropriations made to cover the unfunded actuarial liability for health care and other post-employment benefits for retirees. For a town, acceptance is made by a vote at town meeting. Ipswich accepted this section at the 2009 ATM and currently has an OPEB trust fund. However, changes have been made to this section as of June 30, 2011, and a new vote at town meeting must be made to allow the Town to take advantage of the new language in the section.

The 2009 vote named the Treasurer of Ipswich as the custodian of the fund. The new language allows the Town to name the Health Care Security Trust board of trustees as the custodian of the fund. The Health Care Security Trust manages the state’s OPEB Trust Fund and invests the money with the Pension Reserves Investment Trust (PRIT) fund; the \$48 Billion fund that invests the State’s retirement funds along with other retirement funds throughout the state. Essex Regional Retirement System, which includes Ipswich, invests in the PRIT fund. Investing in the PRIT fund has a greater chance of creating higher long term gains and continuing to reduce our OPEB liability at a quicker rate than investing the money from within the town.

ARTICLE 5 GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

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

- 1) Revising the definition of “Solar Energy Collection Apparatus” and “Accessory Use” in Section III as follows: (***Bold italics*** = new language)

“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. ***Such devices include Ground-Mounted Solar Photovoltaic Installations (GSI), which are solar photovoltaic systems, including all panels and appurtenant structures, that are structurally mounted on the ground.***”

“ACCESSORY USE: As applied to buildings and structures, a use which is customarily incidental to and subordinate to a legally existing principal use on the same lot. **GSI that are not capable of generating more than ten kilowatts of electricity are considered accessory uses for purposes of this bylaw.**”; and

- 2) Amending Section V.D, Table of Use Regulations, as follows: Under the heading of “Principal Uses, Commercial”, add the use “Ground-Mounted Solar Photovoltaic Installations” and assign the allowance “SPB³⁶” in all districts except the I District, to which the allowance “P³⁶” shall be assigned; under the heading of “Accessory Uses”, amend the existing accessory use “Non-habitable solar energy collection apparatus” by adding footnote “36” to the “P” allowance; add the use “Ground-Mounted Solar Photovoltaic Installations” and assign the allowance “P³⁶” to all districts; and add a new footnote, “36”, said footnote to read as follows:

“36. Ground-Mounted Solar Photovoltaic Installations (GSI) are subject to the regulations in Section IX.Q. of this bylaw.”; and

- 3) Adding a new subsection “Q.” to Section IX.” to read as follows:

“Q. Ground-Mounted Solar Photovoltaic Installations (GSI)

1. Purpose

The purpose of this bylaw is to provide standards for Ground-Mounted Solar Photovoltaic Installations (GSI) with respect to the placement, design, construction, operation, monitoring, modification, and removal of such installations. These standards are designed to address public health, safety, and welfare concerns; minimize impacts on scenic, natural, historic, and agricultural resources; to support the Town’s goal of reducing carbon emissions; and to provide adequate financial assurance for the eventual decommissioning of installations if necessary.

2. Applicability

This bylaw applies to all new GSI, as well as to physical modifications to GSI that materially alter the type, configuration, or size of these installations or related equipment.

3. General Requirements for all GSI

The following requirements apply to all GSI permitted by the Table of Uses in Section V of this zoning bylaw unless otherwise noted:

- a. Compliance with Laws, Ordinances, and Regulations: The construction and operation of GSI shall be in compliance with all applicable local, state, and federal requirements, including but not limited to safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a GSI shall be constructed in accordance with the State Building Code.

- b. Building Permit, Building Inspection, and Fees: No GSI shall be constructed, installed, or modified as provided in this section without first obtaining a building permit. The application for such a building permit shall be accompanied by the fee required pursuant to Section XI.D of this bylaw.
- c. Required Documents: Proponents of all GSI shall provide the following documents in addition to those required under Section X of this bylaw:
 - (1) A site plan showing:
 - (i) Blueprints or drawings of the GSI signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading by nearby structures;
 - (ii) A one or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - (iii) Documentation of the major system components to be used in the installation, including the PV panels, mounting system, and inverter;
 - (iv) The name, address, and phone number for the proposed system installer;
 - (v) The name, address, phone number, and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - (vi) The name, address, phone number, and signature of any agents representing the project proponent; and
 - (2) Documentation of actual or prospective access and control of the project site;
 - (3) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - (4) Proof of liability insurance acceptable to the Planning Board;
 - (5) Documentation that the Ipswich Electric Light Commissioners has been informed of the owner or operator's intent to install an interconnected generator, an interconnection agreement (if available at the time of permitting), and a power purchase agreement (if available at time the of permitting) signed by the utility. Off-grid systems shall be exempt from this requirement. If an interconnection agreement and a power purchase agreement are not available at the time of application, a conditional approval can be issued subject to filing of an acceptable interconnection agreement and power purchase agreement within thirty (30) days of execution of such documents.

d. Modification and Maintenance Requirements:

- (1) Maintenance: The installation owners shall maintain the facility in good condition, including but not limited to painting, structural repairs, and the integrity of security and safety measures. The owner or operator shall be responsible for the cost of maintaining the GSI and any access road(s), unless accepted as a public way.
- (2) Modifications: All material modifications to a GSI made after the issuance of the required building permit and site plan and/or special permit approval shall require approval by the Planning Board.

4. Additional Requirements for Commercial GSI

The following additional requirements apply to all GSI that constitute "Principal Uses, Commercial" under Section V.D, Table of Use Regulations of this zoning bylaw, unless otherwise noted:

a. Dimension and Density Requirements

(1) Setback and Yard Requirements:

- (i) No GSI shall be installed within thirty feet of the line of any street or way.
- (ii) GSI shall comply with the Dimensional and Density Regulations provided in Section VI of this bylaw, except that GSI proposed as principal uses shall have a required side setback of fifty (50) feet and a required rear setback of fifty (50) feet. In granting a special permit, the Planning Board may reduce the side and rear setbacks but not to less than those required in Section VI.
- (iii) GSI shall be no more than twelve (12) feet in height. In granting a special permit, the Planning Board can increase the allowable height provided that it deems the installation adequately shielded from view by vegetation, fencing, or physical topography.

b. Design Standards:

- (1) Lighting: Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the GSI shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (2) Signage: Signs on or appurtenant to a GSI shall comply with Section VIII of this bylaw. A sign consistent with Section VIII shall be required to identify the owner and provide a 24-hour emergency contact phone number. GSI shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.
- (3) Utility Connections: Reasonable efforts, as determined by the Planning Board, shall be made to place cabling and utility connections from the GSI underground, depending on the appropriate soil conditions, shape,

and topography of the site, as well as any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the provider.

- c. Safety and Environmental Requirements:
 - (1) Emergency Services: The GSI owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Ipswich Fire Chief. Upon request, the owner or operator shall cooperate with Ipswich emergency services in developing a response plan. All means of shutting down the installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

- d. Requirements for Abandonment and Decommissioning:
 - (1) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the GSI shall be considered abandoned when the entire facility fails to operate for one year or more without the written consent of the Planning Board. If the owner or operator of the installation fails to remove the installation according to the requirements of this section within one hundred fifty (150) days of either abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
 - (2) Removal Requirements: Any GSI which has reached the end of its useful life or has been abandoned as described in the above paragraph shall be removed. The owner or operator shall physically remove the installation no more than one hundred fifty (150) days after the date of the discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (i) Physical removal of all parts of the GSI from the site, including but not limited to installations, structures, equipment, security barriers, and transmission lines;
 - (ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
 - (iii) Environmental stabilization and re-vegetation of the site as necessary to minimize erosion and restore soil quality. The Planning Board may allow the owner or operator to leave landscaping in order to minimize erosion and disruption of vegetation.
 - (3) Financial Surety Requirement: Proponents of GSI shall provide a form of surety, either through an escrow account, a bond, or otherwise, to cover the cost of removal in the event the town must remove the

installation and remediate the landscape. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. The amount of the surety need not exceed 125% of this number, provided it is deemed reasonable by the Planning Board. The form of surety shall be determined on a case-by-case basis by the Planning Board. This Financial Surety Requirement shall not apply to GSI systems that are less than 600 square feet in area.

5. Requirements for GSI Requiring Site Plan Review and/or Special Permit

a. Site Plan Review

GSI proposed as principal uses shall undergo site plan review pursuant to Section X of this bylaw prior to the issuance of a building permit, as provided in this section.

b. GSI that require a special permit pursuant to the Table of Uses in Section V of this bylaw must obtain such special permit prior to the issuance of a building permit, as provided in this section. In addition to the criteria set forth in Section XI.J of this bylaw, the Planning Board should consider the review criteria and requirements set forth in 4.c. below when determining suitability for a special permit.

c. Special Permit Review Criteria:

- (1) Open Space and Agricultural Impact: Consistent with the Town's open space preservation goals, the owner of the land on which a GSI is proposed to be situated must submit to the Planning Board a report on the open space impacts of the installation, including but not limited to:
 - (i) A general description of the installation site, including proximate natural features, flora, fauna, wetlands, and waterways;
 - (ii) Any trees or other wildlife to be displaced by the installation;
 - (iii) Any efforts to mitigate groundwater management issues caused by increase in impervious surface;
 - (iv) The suitability of the installation location for agriculture, including information about soil grade and any history of agriculture uses on the site within ten (10) years prior to special permit or site plan review; and
 - (v) Any environmental remediation efforts that the owner or operator anticipates will be necessary for installation, maintenance, or removal of the installation.

In determining whether to issue a special permit, the Planning Board shall consider the report and the corresponding impacts.

- (2) Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the GSI or otherwise proscribed by applicable laws, regulations, and bylaws. In determining whether to issue a special permit, the Planning Board shall consider such impacts and efforts to mitigate them.
- (3) Operation and Maintenance Plan: The applicant shall submit a plan for the operation and maintenance of the GSI, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. In determining whether to issue a special permit, the Planning Board shall consider the sufficiency and appropriateness of this plan.
- (4) Site Condition Suitability: All appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Structures shall be screened from view by vegetation, fencing, or physical topography to the extent reasonable considering the characteristics of the individual site. In determining whether to issue a special permit, the Planning Board shall consider the sufficiency of the architectural compatibility of the structures and efforts to screen the structures from view.”

or take any other action relative thereto.

(Requested by: Planning Board)

This requires a 2/3 majority vote.

Summary:

Within the past year several large property owners in Ipswich have been approached by commercial solar collection businesses about leasing a portion of their land to operate a commercial ground-mounted solar photovoltaic installation. They in turn have contacted the Town to gauge its interest in purchasing the generated electricity, as well as to learn about the approval process for such facilities.

Although solar collection facilities are allowed in Ipswich, the current zoning bylaw only allows them as an accessory use. Thus, while many residents and businesses already employ solar systems, the prospect of commercial Ground-Mounted Solar Photovoltaic Installations (GSI) on leased land in town is a new one, and the bylaw does not permit, or make any other provision for, other types of solar apparatus, including large-scale commercial facilities. As such, it may be in conflict with Chapter 40A, Section 3 of the Mass General Laws, which states that: “No zoning ... bylaw shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.”

This article, by changing the Table of Uses to allow commercial solar facilities by special permit in most districts, and by right in the Industrial District, brings the bylaw into closer compliance with the

statute. By providing a reliable framework for the development of GSIs, as well as standards for their approval and operation, the article also supports the Town's goals of reducing carbon emissions and supporting green energy, while ensuring that large facilities are safe, operational, and minimally destructive to open space and agricultural land. The proposed bylaw, which is based on a model zoning bylaw prepared by the Mass. Department of Energy Resources and the Mass. Executive Office of Environmental Affairs, requires removal of inoperable facilities and is specifically drafted to exempt small, personal GSIs from onerous regulatory roadblocks.

The requirements for GSI are set forth in three tiers. The first tier applies to all systems. These requirements relate to legal compliance, building permits, documentation, and proper maintenance. A second tier of requirements apply only to GSI that would qualify as principal uses. These contain special dimension and density requirements, specific design standards, additional safety requirements, requirements for abandoning and decommission, and a financial surety requirement. The financial surety is to ensure that a commercial developer leasing private land from Ipswich residents will put forth the funds to remove infrastructure from the land should the GSI stop operating.

The final tier of requirements involves criteria that the Planning Board should consider when reviewing a GSI special permit application beyond those which it considers for all special permit applications. These criteria are specifically designed to address concerns about the possibility of GSIs degrading the natural, historical, and agricultural character of Ipswich. The criteria provide a mechanism for the Planning Board to balance the general need for alternative energy with the specific features of proposed sites.

ARTICLE 6

KEEPING OF BACKYARD CHICKENS

To see if the Town will vote to amend SECTION "V. TABLE OF USES" in the Protective Zoning Bylaw of the Town of Ipswich as follows:

- 1) Under the heading "Principal Use, Commercial", add footnote "31" to the end of the two principal use descriptions which begin with "Keeping, raising and breeding of farm animals...", and to the existing allowances "P" and "SBA" under each of the district columns for those uses, so that they read either "P³¹" or "SBA³¹", except that for premises of less than one acre the allowance in the RRC District shall be "SBA" and not "P"; and
- 2) Under the heading "Accessory Use", add footnote "31" to the end of the two accessory use descriptions which begin with "Keeping, raising and breeding of farm animals...", and to the existing allowances "P" and "SBA" under each of the district columns for those uses, so that they read either "P³¹" or "SBA³¹"; and
- 3) Under "Footnotes to Use Regulations," add footnote "31.", said footnote to read as follows:

"31. All farmers or households who keep, raise or breed poultry, horses, livestock or farm animals shall engage in best management practices. Information or

assistance on these practices is available from the Ipswich Agricultural Commission and the Massachusetts Department of Agricultural Resources. Under no circumstances are animals as described above allowed to roam beyond the confines of their property.

Households on residential lots less than one acre in size which seek to keep chickens (hens and roosters) shall not be eligible for a special permit from the Zoning Board of Appeals even if it is so indicated in the Table of Uses. Such households, however, are allowed to keep hens (roosters specifically prohibited) by right, provided that they: (1) keep no more than six hens on lots under 10,000 square feet in size, ten hens on lots between 10,000 and 21,000 square feet, and fourteen hens on lots between 21,000 square feet and 43,560 square feet; and (2) have obtained any certificate or approval from the Town Animal Control Officer or Board of Health as may be required by separate bylaw or regulation;

or to make any other changes relative thereto.

(Requested by: Planning Board)

This requires a 2/3 majority vote.

Summary:

Across Massachusetts, there has been a movement towards locally produced food. As residents become engaged in supporting local agriculture, their inclination is to raise food themselves as well as purchasing it from local farmers. Ipswich is no exception. The last two years has seen an increase in interest in keeping chickens for eggs. Interested residents learned that that keeping chickens on residential properties under an acre in size requires a special permit from the Zoning Board of Appeals. Some residents consider this process to be unnecessarily burdensome and costly. Information presented to the Town by a resident suggested that many surrounding communities have a less involved process for the permitting of the keeping of chickens than Ipswich does. In response, the Board of Selectmen last fall requested that the Planning Office review the provisions in the zoning bylaw and suggest changes for consideration, with an emphasis on trying to simplify the current process.

This summer, the Planning Office formed a working group comprised of the Town Health Agent, the Animal Control Officer, a Zoning Board of Appeals member, an Agricultural Commission member, two Planning Board members, an Agricultural Study Implementation Committee member, the Assistant Building Inspector, an expert on poultry-raising and a resident who keeps chickens. Under the direction of the working group, planning staff prepared this zoning article, the purpose of which is to provide relief from the special permit process to residential property owners of parcels of *less than an acre* in size who seek to keep chickens via a regulated certificate of inspection process. Under the proposed zoning provision, no roosters are allowed, and the maximum number of hens (roosters are prohibited from being kept under the provision) is determined by lot size, as follows:

- Lots up to 10,000 square feet in size – six hens
- Lots between 10,000 square feet and 21,000 square feet in size – ten hens
- Lots greater than 21,000 square feet but less than 43,560 square feet in size – 14 hens

The process also requires households seeking to keep chickens in their backyards obtain a certificate or approval from the Town Animal Control Officer or the Board of Health, as may be

required by a separate bylaw or regulation. It is anticipated that a future Town Meeting will be asked to adopt a general bylaw that would be supported by regulations to further govern this process.

ARTICLE 7 AFFORDABLE HOUSING REVISIONS

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich by:
 (Strikethrough = language to be deleted, **bold italics** = language to be added)

1) Amending Section VI, Table of Dimensional and Density Regulations, as follows:

TABLE OF DIMENSIONAL AND DENSITY REGULATIONS PRINCIPAL BUILDINGS AND STRUCTURES										
District	Use	Min. Lot Area (Sq. Ft.) ²³	Min. Lot Width (foot)	Min. Lot frontage (foot)	Minimum Setbacks			Expressed as % of lot area		
					Front ^{1,2,7} (foot)	Side ⁷ (foot)	Rear ^{2,7} (foot)	Max. bldg. Area (%) ²⁰	Max. floor area (%)	Min. open space (%)
Rural Residence (RRA & RRC) (Amended 10/15/02 STM, AG 2/19/02)	Single-family, detached	87,120 ^{25,26}	175 ²²	150 ²²	50 ¹²	40 ¹²	30 ¹²	20	—	50
	Single-family, attached	See IX.A. ^{25,26}	20	20	20 ¹²	None ^{4,12}	20 ¹²	See IX.A.	—	See IX.A.
	Single family, detached									
	43,560²⁶	175²²	150²²	50¹²	40¹²	30¹²	20	—	50	
	Single family, attached	See IX.A. ²⁶	20	20	20¹²	None^{4,12}	20¹²	See IX.A.	—	See IX.A.
	Two-family	130,680	250	150	50	40	30	20	—	50
	Open Space Preservation zoning	See IX.A. ²⁵	—	—	—	—	—	—	—	—
	All other permitted uses	87,120	175 ²²	150 ²²	50	40	30	20		50
Rural Residence (RRB ¹⁸) (Amended 10/15/02 STM, AG 2/19/02)	Single-family, detached	87,120 ^{25,26}	175 ²²	150	20	20 ¹⁹	20 ¹⁹	20	30 ²¹	50
	Single-family, attached	See IX.A. ^{25,26}	—	—	—	—	—	—	— ²¹	—
	Single family, detached									
	43,560²⁶	175²²	150	20	20¹⁹	20¹⁹	20	30²¹	50	
Single family, attached	See IX.A. ²⁶	20	20	20 ¹²	None ^{4,12}	20 ¹²	See IX.A.	— ²¹	See IX.A.	

Under Footnotes to Table of Dimensional & Density Regulations, revise footnotes “25 and “26” as follows:

“25. If a residential development obtains a special permit, waiver or other local approval that increases the density or intensity of use beyond ~~what is allowed by this requirement~~ **what is otherwise allowed by the Table of Uses**, said development shall conform to **Section IX.1.2.b.** ~~Section IX.1.~~ (Inclusionary Housing Requirements).”

26. ~~This requirement shall apply to:~~ **The minimum lot size hereunder shall be 43,560 square feet if:** (a) ~~all conforming lots in existence~~ **a lot exists and is conforming** as of the effective date of this bylaw; and (b) ~~all developments that fulfill~~ **the development fulfills** the requirements of Section IX.1. (Inclusionary Housing Requirements) or ~~are~~ **it is** expressly exempted from said Section IX.1 requirements ~~because they create only one single-family detached or attached dwelling, provided that a suitable restriction is recorded at the Essex South Registry of Deeds prohibiting the creation of additional unites on the lot(s)~~ **pursuant to Section IX.1.2.b.;** and

2) Amending Section “IX.1” as follows:

Revise 2.b. as shown below:

“2. Applicability

The requirements of this subsection I. apply to:

a. Any multi-family residential development subject to approval by special permit; and

“b. Any proposed residential development in the RRA, RRB, and RRC Districts that would create two or more single-family detached or attached dwellings ~~for which compliance with this subsection I. is required in the~~ **pursuant to the** Table of Dimensional and Density Regulations (Section VI.). Developments that create only one single-family detached ~~or attached~~ **dwelling** are exempt from the provisions of subsection I.3.c. if the minimum lot sizes of the new lot and the remaining parcel are 43,560 square feet each, ~~provided that.~~ **Developments that create a new parcel that is at least three acres, where the remaining lot is at least one acre, are also exempt for the provisions of subsection I.3.C. In exchange for an exemption from the requirements of this subsection, the Applicant must record a restriction at the Essex South Registry of Deeds** prohibiting the creation of additional ~~units~~ **buildable residential lots having a lot size of less than two acres on the lot(s) property.**”

Revise 3.a.(1) as shown below:

a. Multi-family Residential Development

(1) Ten percent of the units in any multi-family residential development of ten units or more (the "Affordable Housing Units") requiring a special permit shall be sold or rented to households with incomes at or below 80 percent for for-sale housing and 60 percent for rental housing of the Median Regional Household Income (as determined by the U.S. Department of Housing and Urban Development (HUD) pursuant to the Housing Act of 1937, as amended and adjusted for family size), and shall be restricted to sales prices or monthly rents that are affordable to such households. The sales price or monthly rent shall, ~~in all instances,~~ be such that the dwelling unit qualifies as a local initiative unit under the Commonwealth's Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town's subsidized housing inventory under G.L.C. 40B Sec. 20-23...

Revise 4.d. as shown below:

The Planning Board may:

(1) reduce the required percentage of affordable housing units from ten percent to not less than five percent ... to households at or below fifty percent (50%) of the Median Regional Household Income.

(2) ~~The Planning Board may also~~ increase the required percentage of affordable housing units... if it determines that federal, state or local subsidies are available to defray the cost to the applicant of providing any affordable units in excess of ten percent.

(3) find that a sales price or monthly rent for a dwelling unit is affordable pursuant to 3.a.(1) above, despite not fully meeting the requirements of this subsection, in the following two instances: i) the dwelling unit does not fully satisfy the requirements for listing in the Town's subsidized housing inventory, but the Planning Board determines in said instance that it is in the community's interest not to do so; and ii) the dwelling unit does not strictly comply with the stated eligibility requirements, based on a determination that current local market conditions make it impractical to satisfy it, and provided that in no instance shall eligible households be required to earn less than 50% or allowed to earn more than 80% of the regional median household income; and

(4) allow Assisted Living Facilities of ten units or more to satisfy some or all of the requirement to provide ten percent of the units as affordable as defined in 3.2.(1) above, through a payment-in-lieu in

an amount deemed sufficient by the Planning Board, provided that the Applicant can satisfactorily demonstrate that it is infeasible to meet the requirement as written, and provided that the Planning Board determines that not doing so is not contrary to the public interest. Should the Planning Board allow payment-in-lieu pursuant to this paragraph (4), it shall advise the Affordable Housing Trust Fund Board of its preference that the funds, to the greatest extent possible, benefit income-eligible individuals 65 years of age or older.

Prior to imposing any of the alternative requirements listed in this paragraph 4.d, the Planning Board shall consult with and seek the consent of the Ipswich Affordable Housing Partnership.

or to make any other changes relative thereto.

(Requested by: Planning Board)

This requires a 2/3 majority vote.

Summary:

Ipswich's zoning bylaw includes several provisions that encourage or require the development of housing units that are affordable to households that earn at least 20% less the regional median household income (i.e. \$81,250 for family of four). In general, these regulations have worked very well, but during their application over the years the Planning Office, the Affordable Housing Partnership/Trust Fund, and the Planning Board have identified specific provisions that could be clearer or could provide more flexibility to the development community. The specific changes proposed under this article are as follows:

- 1) Modify the way the bylaw currently describes the density bonus option available to residential development in the RRA and RRB Districts, by no longer listing both one acre and two acres in the table of uses as the minimum lot size, and by modifying the referenced provisions – Footnote 25 and 26 -- accordingly. This modification does not change the intent or substance of the provision, just the way that it is presented.
- 2) Modify Section IX.I.2.b to make it absolutely clear that the exemption from the inclusionary housing requirement provided within it for developments that create only one additional buildable lot does NOT require that dwelling unit to be subject to an affordable housing restriction, as has been suggested by an attorney representing a client opposing a Planning Board approval.
- 3) Modify the definition of affordability for ownership and rental dwelling units in Section IX.I.4 by authorizing the Planning Board to waive strict compliance with what constitutes affordability if it determines that strict compliance is not in the public interest.
- 4) Authorize Planning Board to be able to accept payment in lieu of funds for assisted living facilities of ten units or more rather than to provide at least 10% of their units as affordable, either on-site or off-site, but only if the Board determines it is the most appropriate and feasible way of satisfying the affordable housing objective.

The article stipulates that prior to allowing the alternative requirements described in 3) and 4) above, the Planning Board must consult with and seek the consent of the Ipswich Affordable

Housing Partnership. The article also directs the Planning Board to advise the Affordable Housing Trust Fund to give preference on the use of funds received by Assisted Living Facilities to individuals 65 years of age or older.

ARTICLE 8 MISCELLANEOUS ZONING AMENDMENTS

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich by:
(***Bold italics*** = new language; ~~strike through~~ = language to be deleted)

- 1) Revising Section III by modifying the definitions of “Public Recreational Facility,” and “Lot Width” as follows:

“LOT WIDTH: The distance between lot lines measured parallel to the front property line at the front of ***corner*** of the principal building ***closest in distance to the front property line.***”

“PUBLIC RECREATIONAL FACILITY: A physical asset owned or operated by a government agency used for the particular purpose of recreation.”

- 2) Revising Section V, Footnote 16 in Footnotes to Use Regulations, as follows:

“16. When a Site Plan Review is required per Section ~~X.~~ of this bylaw and as such is subject to special permit approval, ***If a use is subject to Planning Board approval by other provision of this bylaw,*** the special permit granting authority (SPGA) shall be the Planning Board, notwithstanding the SPGA designated in the Table of Uses.”

- 3) Revising Section VI, Footnote 11 in Footnotes to Table of Dimensional and Density regulations, as follows: “11. The number of dwelling units obtained by this requirement may be increased by special permit of the Planning Board if the Planning Board determines that the multi-family dwelling shall provide significant public benefit to the Town. Public benefit shall mean affordable housing as defined in IX.I. of this bylaw, ~~respite,~~ or public recreational facilities...”

- 4) Revise section VIII by adding a new paragraph “g.” to subsection “D.4”, said subsection D.4.g to read as follows:
“g. awning sign(s).”

- 5) Revising Section XI, the first paragraph of subsection “B” as follows:

“B. No building or other structure shall be erected, structurally altered, added to, or moved unless a building ***or shed*** permit has been issued. The Building Inspector shall issue no building ***or shed*** permit except for work in conformity with the provisions of this bylaw.”;

or to take any other action relative thereto.

(Requested by: Planning Board)

This requires a 2/3 majority vote.

Summary:

As the building inspector's office and the planning office work with the zoning bylaw, they occasionally discover ambiguities, omissions, or inadequacies. The issues addressed by this article are:

- 1) The definition of lot width is unclear with respect to the point on the lot at which the width is measured.
- 2) There is no definition for "public recreational facility" as used in a density bonus provision (Footnote 11 to Table of Dimensional and Density Regulations) for multi-family housing in the Inclusionary Housing section of the bylaw.
- 3) The existing bylaw unnecessarily requires that developers get both ZBA and Planning Board approval on certain projects.
- 4) Inclusion of "hospice" as a public benefit in Footnote 11 in the Inclusionary Housing section is out-dated and inconsistent with the prevailing usage of the term.
- 5) Awning signs are allowed in some districts but not in the Central Business District and General Business Districts, where their use makes the most sense.
- 6) Current language governing issuance of building permits could be read to exclude permits for small sheds.

This article addresses these deficiencies as follows:

(1) Amends "III. DEFINITIONS" by:

- Adding language to the definition of lot width stating that lot width shall be measured at the corner of the principal building closest in distance to the property line;
- Creating a definition of public recreational facility emphasizing that a public recreational facility must be a physical place that is owned or operated by the government;
- Amends "V. USE REGULATIONS, Footnote 16" in "Footnotes to Use Regulations" by authorizing the Planning Board to grant special permits in instances where a use is subject to other Planning Board approval.

(2) Amends "VI. DIMENSIONAL AND DENSITY REGULATIONS" by:

- Removing "hospice" from the list of acceptable public benefits that can be provided to increase the number of dwelling units pursuant to Footnote 11 in "Footnotes to Table of Dimensional and Density Regulations";
- Amends "VIII. SIGNS" by adding "awning sign(s)" to the list of signs permissible in the Central Business District and General Business Districts;
- Amends XI. ADMINISTRATION.B.XI.B. such that the first paragraph includes both building and shed permits.

ARTICLE 9**GREAT ESTATES REVISION**

To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich by amending Section IX.H.3., paragraph a. as follows:

(Bold italics = new language)

"a. Minimum Lot Size: A GEPD may be permitted on a lot which:

(1) has an area of at least sixty (60) acres which has remained substantially unchanged in lot configuration and size since December 31, 1996, ***except for a lot from which a portion of***

the land has been conveyed to the Town or a qualified conservation organization for perpetual conservation protection, provided that the remaining unprotected lot has an area of at least sixty (60) acres. Contiguous lots may be combined...”;

or to take any other action relative thereto.

(Requested by: Planning Board)

This requires a 2/3 majority vote.

Summary:

This article relates to the eligibility requirements for a Great Estates Preservation Development (GEPD). Currently, to apply for a GEPD, a property owner’s lot must not only be at least sixty acres in size, but it must also not have changed in configuration after 1996. The purpose of the latter requirement is to prevent a property owner from trying to create an additional GEPD-eligible estate by subdividing off a sixty plus acre parcel from a property that has more than twice this area.

There is an effort underway by a local land trust and the Sisters of Notre Dame to establish a conservation restriction over 80 acres of their land on Jeffreys Neck Road. Because of the complexities of the land valuation process, it may be necessary to pursue a fee acquisition rather than a restriction, but the current language of the GEPD provision would prevent this alternative approach from occurring. This article would adjust the language to exempt lot reconfigurations associated with land conservation, so that if a conservation conveyance does occur, then the Sisters or a subsequent owner would still have the ability to develop the property as a GEPD. The proposed revision does not change the original intent of the great estates provision, nor does it affect any of the other Great Estate properties.

ARTICLE 10

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 Seventeenth Day of September in the year of our Lord, Two Thousand and Twelve.

TOWN OF IPSWICH
BOARD OF SELECTMEN

William M. Craft -- Chair

Charles D. Surpitski – Vice-Chair

Shirley A. Berry -- Member

Patrick J. McNally -- Member

Nishan Mootafian – Member