

# Warrant

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## Special Town Meeting

Tuesday, October 21, 2014  
7:00 PM

Ipswich Performing Arts Center

Includes:

Warrant Articles, Summaries and Main Motions;  
Town Meeting: Major Players and Key Terms

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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 TUESDAY, THE TWENTY-FIRST OF OCTOBER, 2014, at 7:00 o'clock in the evening, then and there to act on the following articles, viz:

**Article One – FY'2015 Town Budget Amendment**

Presenter – William Craft

To see if the Town will vote to amend the Town's action taken under Article 8 of the May 13, 2014 Annual Town Meeting (FY'2015 Municipal Operating Budget) by appropriating \$24,993 to the Miscellaneous Expense budget (Management Transfer Account) and to meet this appropriation by transferring \$24,993 from additional State Cherry Sheet Funds, or to take any other action relative thereto.

**Requested By: Board of Selectmen  
Selectmen Recommend: 4-0**

*Brief Summary: The State budget has been finalized and the Town will receive additional State Cherry Sheet Revenue. This appropriation will be used to offset any future unanticipated retirements or other expenditures during FY'2015. This requires a majority vote.*

**MAIN MOTION: I move that the town vote to amend the action taken under Article 8 of the May 13, 2014 Annual Town Meeting (FY'2015 Municipal Operating Budget) as set forth in Article 1 of the warrant for this Town Meeting.**

**Article Two – FY’2015 School Budget Amendment**

Presenter – Barry Hopping

To see if the Town will vote to amend the Town’s action taken under Article 9 of the May 13, 2014 Annual Town Meeting (FY’2015 School Operating Budget) by appropriating \$89,204 from 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  
Selectmen Recommend: 4-0**

*Brief Summary: The State budget has been finalized and the town will receive additional Chapter 70 State Cherry Sheet Revenue. This appropriation will be used to offset any future unanticipated retirements or other expenditures during FY’2015. This requires a majority vote.*

**MAIN MOTION: I move that the town vote to amend the action taken under Article 9 of the May 13, 2014 Annual Town Meeting (FY’2015 School Operating Budget) as set forth in Article 2 of the warrant for this Town Meeting.**

**Article Three – FY’2015 Special Education Costs**

Presenter – Barry Hopping

To see if the town will vote to transfer the sum of \$300,000 from Free Cash to address unexpected expenditures in FY’2015 due to special education student programming, or to take any other action relative thereto.

**Requested By: School Department**  
**Selectmen Recommend: 4-0**

*Brief Summary: Specifically these needs originate from unplanned outplacements, settlement agreements and external program cost increases. This requires a majority vote.*

**MAIN MOTION: I move that the Town vote to approve Article 3 as set forth in the Warrant for this Town Meeting.**

**Article Four – Capital Plan Amendment**

Presenter – William Craft

To see if the town will vote to amend the Town’s action taken under Article 16 of the May 13, 2014 Annual Town Meeting (Annual Capital Plan) by voting that any funds remaining from the transfer of \$498,971 from the Capital Stabilization fund for capital projects be returned to the Capital Stabilization fund, and that any funds remaining from the transfer of \$15,000 from the Waterways Fund for floating docks be returned to the Waterways Fund or take any action relative thereto.

**Requested By: Town Manager**  
**Selectmen Recommend: 4-0**

*Brief Summary: The motion for Article 16 at the May 2014 town meeting omitted a clause to return project appropriation balances to the source funds. This requires a 2/3 majority vote.*

**MAIN MOTION: I move that the town vote to amend the action taken under Article 16 of the May 13, 2014 Annual Town Meeting (Annual Capital Plan) as set forth in Article 4 of the warrant for this Town Meeting.**

**Article Five – Extraordinary Repairs**

Presenter – William Craft

To see if the Town will vote to transfer the sum \$21,300 from Free Cash for extraordinary repairs to school and town facilities as follows:

**Winthrop School:**

Remove and Replace Urinals \$ 4,200

**Doyon School:**

Repair and Replace Front Gutters \$ 4,600

**Middle/High School:**

Repair and Replace Sinks in Women’s Locker Rooms \$ 3,000

**Town Hall:**

Reinforce Floor in Code Department \$ 9,500

**Requested By: Board of Selectmen  
Selectmen Recommend: 4-0**

*Brief Summary: The town and school implemented a shared Facilities Director agreement in early 2014. The Director has recently identified a number of urgent health, safety, code concerns that need to be addressed. There is insufficient funding in the school and town operating budgets to perform this work. This requires a majority vote.*

**MAIN MOTION: I move that the Town vote to approve Article 5 as set forth in the Warrant for this Town Meeting, and that the sum of \$21,300 be apportioned to the FY15 budget for the above purposes as follows:**

<b>School</b>	<b>\$11,800</b>
<b>Public Works/Facilities</b>	<b>\$9,500</b>

**Article Six – Storm Response Funds**

Presenter – Judy Field

To see if the town will vote to transfer the sum of \$107,000 from Free Cash to cover unbudgeted and unanticipated costs to related to response and clean-up during and after the storms of September 6, 2014, to repair and upgrade radio antenna systems and to purchase and install a generator for the police station, or take any action relative thereto.

**Requested By: Town Manager  
Selectmen Recommend: 4-0**

*Brief Summary: This appropriation will offset unanticipated costs related to three storms that struck Ipswich on September 6, 2014, and improve emergency operations. Police officers, dispatchers, firefighters, public works employees, electric crews and private contractors were called in and mobilized to respond to multiple incidents of trees and electrical wires down and roads closed. After initial response, work to remove debris and conduct repairs to infrastructure continued during the following weeks. The town is working with Representative Brad Hill to obtain state emergency aid funds. If state aid is received, the town will restore any aid in excess of expenses to free cash. In addition, the police station has a generator that powers only the dispatch and communications operations and provides light to only one room. During power outages, there is no light, heating/cooling or computer service in the station. During the September 6 storms, this situation complicated response. Although the generator has been on the capital plan for the past several years, it was postponed due to funding limitations. Funding is being requested at this time in order to improve emergency preparedness and response as soon as possible. This requires a majority vote.*

**MAIN MOTION: I move that the Town vote to approve Article 6 as set forth in the Warrant for this Town Meeting, and that the sum of \$107,000 be apportioned to the FY15 budget as follows:**

<b>Public Works</b>	<b>\$20,300</b>
<b>Public Works/Facilities</b>	<b>\$60,000</b>
<b>Public Safety</b>	<b>\$26,700</b>

**Article Seven – Transfer to Capital Stabilization Fund**

Presenter – Judy Field

To see if the Town will vote to transfer from Free Cash the sum of \$ 650,000 to the Capital Stabilization Fund, or to take any other action relative thereto.

**Requested By: Town Manager  
Selectmen Recommend: 4-0**

*Brief Summary: The town has developed an integrated five year capital plan. Priorities were funded at the May 2013 and 2014 town meetings. The plan is update annually and project approved by annual town meeting. This appropriation will set aside funds for continued funding of prioritized capital projects in May 2015. This requires a 2/3 majority vote.*

**MAIN MOTION: I move that the Town vote to approve Article 7 as set forth in the Warrant for this Town Meeting.**

**Article Eight – OPEB**

Presenter – Judy Field

To see if the town will vote to transfer from free cash the sum of \$100,000 to the Other Post-Employment Benefits account as established under Section 20 of Chapter 32B of the Massachusetts General laws, or take any action relative thereto.

**Requested By: Town Manager**

**Selectmen Recommend: 4-0**

*Brief Summary: The town adopted a policy to set aside a minimum two-year reserve for retiree insurance costs as part of addressing the town's obligations for Other Post-Retirement Benefits (retiree health insurance costs). The present reserve is \$1,985,099 or approximately a 2 ½ year reserve. This requires a majority vote*

**MAIN MOTION: I move that the Town vote to approve Article 8 as set forth in the Warrant for this Town Meeting.**

**Article Nine – Adoption of Chapter 44 Section 53 F ½ (Enterprise Fund for Water)**

Presenter – Nishan Mootafian

To see if the town will vote to adopt M.G.L c 44, section 53 ½ providing for the establishment of an enterprise fund for water operations, or take any other action relative thereto.

**Requested By: Town Manager  
Selectmen Recommend: 4-0**

*Brief Summary: The 2007 Fiscal Management Review prepared for the town by the Massachusetts Department of Revenue recommended that enterprise funds be established for water and sewer. In 2013, town meeting adopted an enterprise fund for wastewater. At the time, it was believed that an enterprise fund for water was already established. It has since been discovered that that was not the case. Enterprise fund accounting enables a community to identify the costs of providing a service and establish rates to cover those costs; allows payments for indirect costs to flow to the general fund to reimburse the general fund for time spent by employees on enterprise activities; and any surplus is retained in a separate fund and accrues interest, and may be used to fund operations, capital, debt or to reduce rates. This requires a majority vote.*

**MAIN MOTION: I move that the Town vote to approve Article 9 for the creation of a water enterprise fund effective fiscal year 2016, as set forth in the Warrant for this Town Meeting.**

## **Article Ten – Feasibility Study Funding for Winthrop School**

Presenter – Nishan Mootafian

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for the purpose of paying the costs of a feasibility study for the Winthrop Elementary School located at 65 Central Street in Ipswich and identified as Map 42A parcel 250 and consisting of 48,922 square feet, including the payment of all costs incidental or related thereto, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any action relative thereto.

**Requested By: School Building Committee  
Selectmen Recommend: 4-0**

*Brief Summary: In the spring of 2013, and again in 2014, the town submitted a Statement of Interest (SOI) to the Massachusetts School Building Authority requesting state funds to address building conditions at Winthrop Elementary School. These SOIs outlined conditions at the school which needed to be corrected: an aged facility and infrastructure (electrical, plumbing, heating, etc.) and inadequate classroom space for required educational programming were itemized in detail. In June 2014, the town was notified that the SOI was invited into a 270-day Eligibility Period. During this Eligibility Period, the town must meet deadlines for submitting additional documentation, obtain funding for a feasibility study and engage an Owners Project Manager (OPM) and an architect, in order to qualify for the next step – project funding for design and construction. It is anticipated that the town will be eligible for at least 45% - or more - reimbursement for the cost of the feasibility study and the design and construction cost. The feasibility study will review in detail the conditions of the Winthrop School, explore in detail the feasibility and cost of renovation or combined new/renovation, or new construction at the present location or another location, and present conceptual options and plans for the community to review and discuss, before moving into the design/construction phase. The school building committee is asking for funding for the feasibility study. The Committee will make a short presentation at town meeting to outline the existing conditions at Winthrop School, the feasibility process and the funding strategy. The Winthrop School Statement of Interest is available online at [http://www.ipsk12.net/pages/Ipswich/Departments/School\\_Committee/Documents](http://www.ipsk12.net/pages/Ipswich/Departments/School_Committee/Documents)*

*This requires a 2/3 majority vote.*

**MAIN MOTION: I move that the Town appropriate the amount of nine hundred forty-five thousand (\$945,000) Dollars for the purpose of paying costs of a feasibility study for the Winthrop Elementary School located at 65 Central Street in Ipswich and identified as Map 42A parcel 250 and consisting of 48,922 square feet, including the payment of all costs incidental or related thereto, and for which Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.**

## Article Eleven – LI and PC Zoning District Revisions

Presenter – Heidi Paek

To see if the Town will vote to amend “V.D. Table of Use Regulations” of the Ipswich Protective Zoning Bylaw as shown below:

(~~Strikethrough~~ = language to be deleted; ✕ = dash to be deleted; ***bold italics*** = language to be added.)

TABLE OF USE REGULATIONS						
PRINCIPAL USE	DISTRICT (Non-Residential)					
Commercial	GB <sup>16</sup>	CB <sup>16</sup>	HB <sup>6</sup>	PC <sup>16</sup>	I <sup>16</sup>	LI <sup>16</sup>
Hotels and Motels	P	P	P	SPB	P	✕ <b><i>SPB</i></b>
Inn, including conversion of an existing dwelling into an inn	P	P	P	✕ <b><i>P</i></b>	P	✕ <b><i>SBA</i></b>
Bed & Breakfast establishment...	P	P	P	P	P	✕ <b><i>SBA</i></b>
Personal & consumer service establishment	P	P	P	<b><i>P</i></b> <sup>24</sup>	SBA <sup>24</sup>	✕ <b><i>SBA</i></b>
Rest homes, convalescent home, or nursing homes...	—	—	—	✕ <b><i>SBA</i></b>	—	✕ <b><i>SBA</i></b>
Membership club	SBA	SBA	SBA	SBA	SBA	✕ <b><i>SBA</i></b>
Miscellaneous professionals and business offices and services...	P	P	P	P	P	✕ <b><i>P</i></b>
Motion picture establishment, indoor only	P	P	P	SBA	SBA	✕ <b><i>SBA</i></b>
Other amusements and recreation service, indoor only	P	P	P	SBA	SBA <sup>23</sup>	✕ <b><i>SBA</i></b>
Establishment for repair and/or service of new and/or used automobiles...	SPB		SPB	SPB <sup>14</sup>	SPB	✕ <b><i>SBA</i></b> <sup>14</sup>
<b>Wholesale, Transportation and Industrial</b>						
Laundry plant, dry cleaning plant <del>or non-retail bakery</del>	P	SBA	P	✕ <b><i>SBA</i></b>	P	✕ <b><i>SBA</i></b>
<b><i>Non-retail bakery</i></b>	<b><i>P</i></b>	<b><i>SBA</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>P</i></b>	<b><i>P</i></b>

; or to make any other changes relative thereto.

**Requested by: Planning Board  
Selectmen Recommendation to be Made at Town Meeting**

*Brief Summary: The Limited Industrial (LI) and Planned Commercial (PC) Zoning Districts, both of which are located along the Route One corridor, allow only a limited number of non-residential uses. This is in contrast to the Town’s other commercial or industrial districts, which provide for a much greater variety of non-residential uses. The more restrictive nature of the LI and PC Districts is due in part to their stated intent to “preserve the natural features and vistas of the Route One Corridor.”*

*When a property owner in the LI District who owns several commercial units parcels expressed concern that he was losing potential commercial tenants because of the limited number of allowed commercial uses, the*

*Planning Board asked Planning staff to evaluate the current requirements for the LI and PC Districts. After doing so, staff identified several uses that are currently prohibited that might, in certain circumstances, be generally consistent with both the district's intent and the existing surrounding uses.*

*The Planning Board proposes to allow these uses, which include personal and consumer service establishments and professional offices, by special permit, so that the appropriateness of a proposed use can be evaluated on a case by case basis. Initially, the Board further proposed that the special permit granting authority, before granting a special permit, be required to find that the property owner has made a good faith effort to establish, or locate a tenant who would operate, a use that involves the enclosed manufacturing of a product. Based on comments from the public, and its own further consideration, the Board decided, at its August 21<sup>st</sup> meeting, to remove that proposed requirement. At its meeting of September 11<sup>th</sup>, the Board made a few additional modifications to the revisions that were initially proposed. This requires a 2/3 vote.*

**MAIN MOTION: I move that the Town vote to approve Article 11 as set forth in the Warrant for this Town Meeting.**

**Article Twelve – Miscellaneous Zoning Revisions**

Presenter – Heidi Paek

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

(~~Strikethrough~~=language to be deleted; ***bold italics***= language to be added)

1) Amend the Table of Use Regulations in Section V. as shown below:

TABLE OF USE REGULATIONS										
ACCESSORY USE	DISTRICT (Non-Residential)									
	GB	CB	HB	PC	I	LI				
<i>Tasting associated with commercial breweries, wineries, distilleries, and other alcohol production facilities.</i>	<i>P<sup>38</sup></i>	<i>P<sup>38</sup></i>	<i>P<sup>38</sup></i>	<i>P<sup>38</sup></i>	<i>P<sup>38</sup></i>					
ACCESSORY USE	DISTRICT									
	RRA <sup>16</sup>	RRB <sup>16</sup>	RRC <sup>16</sup>	IR <sup>16</sup>	GB <sup>16</sup>	CB <sup>16</sup>	HB <sup>16</sup>	PC <sup>16</sup>	I <sup>16</sup>	LI <sup>16</sup>
Ground-mounted solar photovoltaic installations, <i>including electric vehicle charging stations</i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>	<i>P<sup>36</sup></i>

2) Amend the Footnotes to Use Regulations in Section V by adding a footnote “38”, to read as follows:

***“38. Provided that: (1) the operator of the tour or tasting can demonstrate, to the satisfaction of the building inspector, that safeguards and procedures are in place to protect the public from hazards associated with the facility’s operations; (2) no part of the tasting is conducted outdoors; (3) no more than twenty-five (25) persons are allowed per tour, or served per tasting; and (4) no more than ten tours or tastings are held per week. Operators seeking to conduct tours or tastings that exceed the above thresholds may do so only by special permit from the ZBA.”***

3) Amend Section “VII.D.” as follows:

“No parking space shall be used for any activity which interferes with its availability to meet the minimal applicable parking requirement. Accessory uses are permitted and may include, but not be limited to, necessary traffic directional signs not exceeding two (2) square feet each in area, ***electric vehicle charging stations, solar energy collection apparatus,*** lighting fixtures for illuminating the parking area, and landscape within buffer areas.”

4) Amend “XI.J.” by revising criterion “(6)” as shown below:

“In making this determination, the SPGA shall apply the following criteria:

- (1) Social, economic or community needs which are served by proposal;
- (2) Potential fiscal impact, including impact on town services, tax base, and employment;
- (3) Traffic flow and safety, including parking, loading;
- (4) Adequacy of utilities and other public services;

(5) Compatibility with neighborhood character; and

(6) Impacts on the natural **and built** environment.”

5) Amend “IX.I. 4.” by adding a new criterion “(5)”, said criterion to read as follows:

**“(5) For commercial units that were initially used for residential purposes that the owner seeks to re-establish as dwelling units, the Board may either partially or fully exempt the dwelling unit from the requirements of paragraph 3.1.(2) of this Section I.”;**

or to take any other action relative thereto.

**Requested by: Planning Board  
Selectmen Recommendation to Be Made at Town Meeting**

*Brief Summary: As the building inspector’s office and the planning office work with the zoning bylaw, they occasionally discover ambiguities, omissions, or inadequacies in its language. The issues addressed by this article are as follows:*

- *Commercial producers of beer, wine, and other alcoholic products often seek to provide tours of their facilities and/or tastings of their products. The bylaw does not list tours or tastings as permitted accessory uses, leading to uncertainty by the building inspector’s office as to whether the uses are allowed as incidental to the manufacturing use.*
- *The current parking requirements are not responsive to new demands created by the advent of electric-powered vehicles and more frequent use of solar energy collection apparatus.*
- *Criteria for determining the granting of a special permit address impacts to the natural environment but do not consider impacts to the built environment.*
- *Affordability requirements for multi-family dwellings as currently written lack the flexibility to deal with unusual circumstances, such as the conversion of a commercial unit that was previously residential unit back to a residential dwelling.*

*This article addresses these deficiencies as follows:*

- (1) *Amends the Table of Uses in Section V. of the zoning bylaw by adding an accessory use, “Tours or tastings associated with commercial breweries, wineries, distilleries, and other alcoholic production facilities,” and allowing the use by right, provided that certain safety requirements and thresholds relative to frequency and size (i.e. no more than 25 persons in a tour or tasting; no more than ten tours per week; and no outdoor events) described in a footnote, are met. Operators seeking to conduct tours or tastings which exceed the defined thresholds may only do so by special permit from the Zoning Board of Appeals;*
- (2) *Amends Section VII.D. by specifically allowing charging stations for electric-powered vehicles and solar energy collection apparatus to be located within parking facilities;*
- (3) *Amends Section XI.J, special permit criterion (6), by stipulating that when determining whether or not to grant a special permit, the special permit granting authority should consider “Impacts on the natural **and built** environment.”; and*
- (4) *Amends Section IX.I. 4. by adding a new criterion “(5)” which would empower the Planning Board to partially or fully exempt the creation of a multi-family dwelling unit from the bylaw’s affordability*

*requirements, if the dwelling is being established by converting a commercial unit that was initially used for residential purposes back into a residential use.*

*This requires a 2/3 vote.*

**MAIN MOTION: I move that the Town vote to approve Article 12 as set forth in the Warrant for this Town Meeting.**

## **Article Thirteen – Rezoning of 71 Turnpike Road**

Presenter – Heidi Paek

To see if the Town will vote to amend the Official Zoning Map of the Town of Ipswich by rezoning a portion of the property at 71 Turnpike Road, further known as Parcel 25 on Assessor's Map 27C, from Rural Residence A (RRA) to Planned Commercial (PC), as shown on the attached map.

A copy of the 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: Planning Board  
Selectmen Recommendation to Be Made at Town Meeting**

*Brief Summary: 71 Turnpike Road (Route One), also known as Parcel 25 on Assessor's Map 27C, is a 2.49 acre parcel located on the east side of the road, about 300 hundred feet north of its intersection with Linebrook Road. At present, about 40% of the property is zoned as Planned Commercial, and the remainder is zoned as Rural Residence A.*

*The owner of the property, who also owns the adjacent commercially-developed property at 73-75 Turnpike Road, approached the Planning Board earlier this year and requested its support for rezoning the residentially zoned portion of his property to PC. The Board informed the owner that they were open to the possibility of initiating a rezoning, but first required more information about his plans for the property if rezoned. After reviewing the additional information provided by the owner, which included the proposed access, general building layout, and likely uses, the Board agreed to initiate a rezoning of the residential portion of the property.*

*The Board's continued support of the rezoning is contingent upon the execution of an agreement between the owner and the Board of Selectmen which establishes certain development conditions, and to which the owner has informally agreed. These conditions include a requirement that the access to the rezoned property be over the existing access to 73 Turnpike Road, that the potential uses be limited to 21 instead of the 52 potentially allowed by the bylaw, that a 40 foot vegetated setback, twice the amount required by the bylaw, be provided along the southern boundary of 71 Turnpike Road, and that the square footage of the development not exceed 20,000 square feet. This type of agreement, also known as contract zoning, has been undertaken previously in Ipswich, when a parcel of land on Locust Road was rezoned from RRA to Industrial in 2003.*

*This requires a 2/3 vote.*

*Fiscal Impact: No immediate impact, but long-term the rezoning could bring in additional tax revenues from the commercial development of the property.*

**MAIN MOTION: I move that the Town vote to approve Article 13 as set forth in the Warrant for this Town Meeting.**

## **Article Fourteen – Architectural Preservation District (APD)**

Presenter – John Fiske

To see if the Town will vote to amend the General Bylaws of the Town of Ipswich by adding a new chapter XXII., to read as follows:

### **“CHAPTER XXII. ARCHITECTURAL PRESERVATION DISTRICT**

The Town of Ipswich hereby establishes an Architectural Preservation District (“APD”), to be administered by an Architectural Preservation District Commission (“APDC”).

#### Section 1: Purpose

This bylaw is enacted under the Home Rule Amendment of the Massachusetts Constitution for the purposes of:

- (a) preserving and protecting groups of historically and/or architecturally significant buildings and the characteristics of their neighborhoods that are important to the town’s architectural, cultural, economic, political and/or social history;
- (b) fostering wider public knowledge and appreciation of such neighborhoods and buildings;
- (c) limiting the detrimental effect of alterations, additions, demolitions and new construction on the character of such buildings and their neighborhood settings;
- (d) reviewing proposed alterations, which include demolition, substantial additions, and new construction, of or to any buildings located within the APD, for appropriateness and compatibility with the existing buildings, setting and neighborhood character; and
- (e) facilitating the protection of the APD through a combination of binding and voluntary non-binding regulatory review.

To achieve these purposes, the Town of Ipswich may designate APDs to be administered as set forth in this bylaw.

#### Section 2: Definitions

For the purpose of this bylaw, the terms and words listed below shall have the following meaning:

**ADDITION, SUBSTANTIAL:** Any addition to a principal or accessory contributing building that increases the existing gross floor area by 1,000 square feet or by thirty percent (30%) or more, whichever is less. Multiple additions that occur within a consecutive three-year period which collectively increase the building’s gross floor area as described above shall also constitute a Substantial Addition.

**ALTERATION:** A change to a building or part thereof, such as removal, construction, reconstruction, restoration, replication, rehabilitation, addition, or demolition; and/or a change to a site that includes constructing, placing, erecting, installing, enlarging or moving a building and other similar activities.

**ALTERATION, SUBSTANTIAL EXTERIOR:** An Alteration to the exterior of a contributing building which bears a cost that equals or exceeds fifty percent (50%) of the assessed value of the structure before the

Alteration is undertaken, or which significantly changes the shape, height and proportions, or scale of the building, and/or its relationship to surrounding structures along the streetscape.

**ARCHITECTURAL PRESERVATION DISTRICT (“APD”):** An area of historic and/or architectural significance determined by the Town’s residents to be worthy of preservation.

**BINDING REVIEW:** Pursuant to Section 8 of this bylaw, a mandatory process which applies to demolition, substantial additions, and new construction of buildings on contributing properties in an APD.

**BUILDING:** A combination of materials having a roof, the purpose of which is the shelter of persons, animals, property, or processes.

**CERTIFICATE TO ALTER:** A document issued by the APDC allowing Alterations which require review pursuant to Section 8 of this bylaw.

**CONTRIBUTING PROPERTY:** Any building within an APD that was constructed prior to 1900 and which contributes to its historical character, or any house lot within the APD which was either vacant prior to the adoption of this bylaw or subsequently becomes vacant due to the demolition of its principal building.

**DEMOLITION:** The act of pulling down, destroying, removing or razing structures or significant parts of structures, or commencing the work of total or substantial destruction with the intent of completing the same.

**DESIGN GUIDELINES:** A public document which provides further detail and illustration of the design standards established in Section 9 of this bylaw. Such guidelines, by facilitating the APDC’s determination as to whether proposed alterations are appropriate and compatible with the existing buildings, setting and neighborhood character of the APD, will ensure fair, reasonable and objective preservation practices by the APDC.

**NON-BINDING VOLUNTARY REVIEW:** A review offered by the APDC for Alterations as described in Section 7 of this bylaw.

**PERSON AGGRIEVED:** The owner of the subject property or an owner of real property located within the APD and within three hundred feet of the subject property.

**SUBSTITUTE SIDING:** A siding material that has been placed over or has replaced the original wood siding of a building. This includes, but is not necessarily limited to, aluminum, vinyl, or asphalt siding.

### Section 3: Designation of Architectural Preservation District (APD)

The APD shall, by town meeting vote, encompass the area shown on the map entitled “Proposed Architectural Preservation District, dated September 3, 2014,” and appended to this bylaw. Amendments to the district boundaries may be made only by vote of Town Meeting.

### Section 4: Architectural Preservation District Commission (APDC)

The Board of Selectmen shall appoint a five-member APDC to oversee the APD pursuant to this bylaw. Initially, two members shall be appointed for one year, two for two years, and one for three years; each successive appointment shall be made for three years. The Board of Selectmen may also appoint up to two alternate members, initially for terms of one, two and three years, and for three-year terms thereafter. If

members are absent, unable to act, or recused from voting due to a conflict of interest, the APDC chair may designate one or both of the alternate members to serve in their place.

To the extent achievable, the APDC shall be comprised of the following persons: a member of the Ipswich Historical Commission; an architectural designer; a craftsperson or building contractor familiar with historic restoration; and two residents of the APD. Members and alternates of the APDC shall by reason of experience and/or education have demonstrable knowledge, interest, and ability to effectively carry out the APDC's responsibilities.

#### Section 5: APDC Powers and Duties

The APDC shall exercise its powers in reviewing the construction, demolition and/or alteration of buildings within the APD as set forth in this bylaw, and in accordance with the standards described in Section 9. Within 180 days of its establishment, the APDC shall adopt design guidelines to assist the APDC determine whether the proposal satisfies the standards described in Section 9, as well as to facilitate owner understanding of, and compliance with, those standards. The APDC may also promulgate rules and regulations consistent with the provisions of this bylaw, or set forth such forms and procedures as it deems appropriate for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, hearing procedures and other matters.

In adopting design guidelines and rules and regulations, including any subsequent amendments, the APDC shall first hold a duly posted public hearing advertised at least fourteen (14) days in advance within a newspaper of local circulation.

#### Section 6: Exemptions

The following are exempt from the requirements of this bylaw:

- (a) Routine maintenance of buildings.
- (b) Repairs or improvements which do not require a building or demolition permit from the Building Inspector.
- (c) Temporary buildings (subject to time and size limits imposed by the APDC).
- (d) Interior building alterations.
- (e) Exterior building colors.
- (f) Installation or replacement of storm windows and doors, screen windows and doors.
- (g) Removal or replacement of gutters, downspouts, window and door shutters.
- (h) Removal of substitute siding from a building.
- (i) Structures not defined as buildings or parts of buildings.
- (j) Reconstruction of a building damaged or destroyed by fire, storm or other disaster, provided that the reconstruction is completed in a manner that is consistent with other local bylaws. For a Contributing Property the owner is encouraged to reconstruct the building, to the greatest extent possible, to conform

to its original size and appearance; for a non-Contributing Property the owner is encouraged to reconstruct the building to conform to the design standards in Section 9 and the associated design guidelines.

#### Section 7: Alterations for which Advisory Review is Recommended

Property owners undertaking alterations to a Contributing Property are strongly encouraged, but not required, to request an advisory review from the APDC for the following improvements:

- (a) Accessibility improvements, including ramps, rails, walkways and mechanical equipment associated with exterior architectural barriers subject to MGL 40A and other applicable state or federal laws;
- (b) Replacement of windows, doors, architectural trim, roofing and siding in a manner that substantially differs from existing materials, design or dimensions;
- (c) Construction of a fully-enclosed addition to a structure that increases its gross floor area by less than 1,000 square feet or by less than 30%, whichever is less, or by construction of a structure that does not have a roof or is not fully enclosed by load-bearing walls, including the replacement and extension of a porch or deck;
- (d) Installation of solar collectors or wind energy collection systems; and
- (e) Any other alteration not classified as routine maintenance that does not increase building volume.

Advisory review does not require a public hearing, is non-binding, and can be requested electronically. In providing advisory review for a proposed Alteration, the APDC shall make a finding as to whether or not the proposed Alteration is compatible with the standards in Section 9 and the associated design guidelines. The APDC shall provide its finding in writing and within 20 days of receiving a request for advisory review. The advisory may include recommendations on how the proposed Alteration could be made more consistent with the standards and the design guidelines.

#### Section 8: Alterations Which Require APDC Review

The following Alterations require the submittal of an application for review by the APDC:

- (a) Demolition of a building or part of a building on a Contributing Property.
- (b) Substantial Exterior Alteration to a Contributing Property.
- (c) New construction of buildings on properties within the APD, including substantial additions fully enclosed by walls and a roof, but not including accessory buildings that are less than 250 square feet in area.

Applications should include a completed application form and photographs showing existing buildings and site conditions. For new construction and substantial exterior alteration, applicants should also provide building elevations showing the proposed configuration and building materials; a plan showing the approximate footprint and relationships of buildings to other structures, exterior circulation, and points of entry; and any other plans which may help to demonstrate the proposed building design. Applications can be submitted electronically, but applicants shall also provide one hard copy of the application to the Planning Office. If appropriate, the APDC may waive any or all of the requirements for design submittal and review.

Within thirty (30) days of the application submittal, a copy of which shall be filed with the Town Clerk, the APDC shall hold a public hearing on the application, said hearing to be noticed by an ad published at least once in a newspaper with local circulation fourteen (14) days or more before the hearing. Following the hearing, the APDC shall determine whether or not the proposed Alteration is consistent with the standards set forth in Section 9 and the associated design guidelines.

If the APDC determines by majority vote that the Alteration adheres to the standards and the design guidelines, it shall issue a Certificate to Alter, which may be subject to reasonable conditions that the APDC deems necessary and appropriate. If the APDC does not achieve a majority vote that the Alteration is compatible with the standards and the design guidelines, it shall make a negative determination.

The APDC's written determination shall be submitted to the property owner within twenty (20) days of the close of the public hearing, and no later than sixty (60) days after the submittal of an application, unless granted a time extension by the owner. In making its determination, the APDC shall provide a rationale for its action, including a description of how the alteration does or does not meet the standards set forth in Section 9 and the design guidelines. If the APDC makes a negative determination, it shall include recommendations on how the proposed Alterations may be modified to satisfy the APDC. Once the applicant modifies the Alterations in a manner that the APDC finds acceptable, the APDC shall issue a Certificate to Alter.

The determinations of the APDC relative to Alterations described in this Section 8, whether positive or negative, shall be binding on the applicant.

#### Section 9: Design Standards

When reviewing an application, the APDC shall consider the following standards, which are intended to guide the property owner in the site development and building design, as well as the APDC in its review of proposed actions as described in Section 8 above:

- (a) Height and Proportions – The height, proportions, and relationship of height to width between windows, doors, signs and other architectural elements should be compatible with the architectural style and character of the building or structure.
- (b) Relation of Structures and Spaces – The relation of a structure to the open space between it and adjoining structures should be compatible with such relationships in the district.
- (c) Shape – The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of the building.
- (d) Scale – The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that of the district.
- (e) Directional Expression – Building facades and other architectural and landscape design elements should be compatible with those of others in the district with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.
- (f) Garages and Accessory Buildings – Garages and accessory buildings should be sensitively integrated into the overall development, and should not be the predominant design feature when viewed from the street.

## Section 10: Procedures for Issuance and Filing of APDC Determinations

Each Certificate to Alter or negative determination issued by the APDC shall be dated and signed by its chair or such other person designated by the APDC to sign certificates on its behalf. The APDC shall send a written copy of its actions to the property owner and shall file other copies with the office of the Town Clerk and the Building Inspector. The date of issuance of a certificate or negative determination shall be the date of its filing of other said copy with the office of the Town Clerk.

If the APDC should fail to submit a written determination within twenty (20) days of closing its public hearing, or within sixty (60) days of the submittal of a Certificate, or within such further time as the applicant may allow in writing, a Certificate to Alter shall be waived in favor of the property owner.

## Section 11: Enforcement

The APDC is authorized to institute any actions it deems necessary and appropriate to obtain compliance with the requirements of this bylaw. In the event of a violation, the APDC shall not authorize the issuance of a building permit for construction or demolition until the violation has been corrected, or otherwise resolved to the satisfaction of the APDC. The APDC may designate the Building Inspector to act on its behalf and to enforce this bylaw under its direction.

## Section 12: Coordination With Other Town Boards and Bylaws

- (a) Except as stated in “(b)” below, the APDC’s authority as established in this bylaw shall not supersede or interfere with the regulatory authority of other local or state boards or APDCs.
- (b) By exercise of this bylaw, the APDC assumes the authority of the Ipswich Historical Commission pursuant to Chapter XVI of these General Bylaws, relative to the proposed demolition of buildings built prior to 1900 and located within the APD.
- (c) The APDC shall make every effort to coordinate its review with that of other Town Boards.

## Section 13: Appeal Procedure

Any Person Aggrieved by a determination of the APDC may appeal to the Superior Court within twenty (20) days of the filing of the disapproval with the Town Clerk.

## Section 14: Validity and Separability

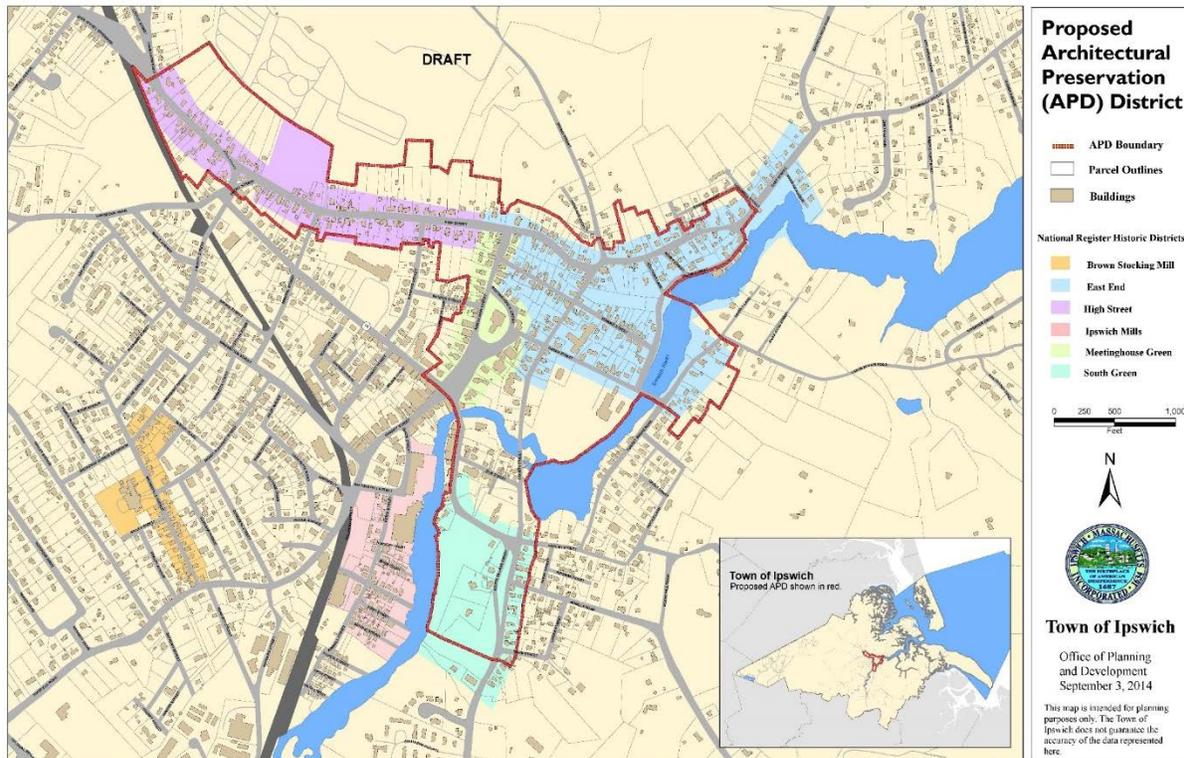
The provisions of this bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this bylaw shall continue to be in full force and effect.

## Section 15: Rules and Regulations

The APDC shall promulgate and publish such rules and regulations as are deemed appropriate and consistent with the provisions of this bylaw.

## Section 16: Appendices

Appendix A: The location and boundaries of the Town of Ipswich Architectural Preservation District are defined and shown on the Town of Ipswich Architectural Preservation District Map of the Town of Ipswich, which is a part of this bylaw.”; or to take any other action relative thereto.



### **Requested by: Historical Commission Selectmen Recommendation to Be Made at Town Meeting**

*Brief Summary: Ipswich has more first period houses (59) than any other community in the nation, together with numerous 18<sup>th</sup>- and 19<sup>th</sup>- century houses of equal merit. Architecturally speaking, Ipswich is a town of major historical significance. Without its historic houses, though, the town center would be pleasant but undistinguished. Ipswich is defined by its architectural heritage, but none of this historic architecture is protected for the future. To set this matter right, the Ipswich Historical Commission is proposing that the town meeting adopt a general bylaw creating and mapping an Architectural Preservation District (APD) that would be overseen by an Architectural Preservation District Commission (APDC).*

*The intent of the proposed APD, which is similar in size and configuration to the geographic area of four of the Town's national historic districts (see attached map), is to preserve the core of the town's architectural heritage while treading with a light foot. As proposed, the five-member APDC, which will be appointed by the Board of Selectmen and include an architectural designer, craftsman, and two APD residents, will be primarily consultative and advisory, assisting the owners of homes within the APD with conserving their unique neighborhoods within the district.*

*The proposed bylaw exempts many home improvements, such as painting, removal/replacement of window and door shutters, and all interior alterations, from any consideration by the APDC. Owners undertaking more substantive improvements, such as building small additions or replacing windows, doors, trim, and siding in a manner substantially different from the existing materials, design or dimensions, are encouraged to use the APDC an advisory resource that they may consult. The aim of the consultation will be to reach a consensus that meets the requirements of the owner while preserving the integrity of the district. Such consultation will be voluntary, non-binding, expeditious, and free.*

*The proposed bylaw will only require property owners within the district to appear before the Commission and obtain their approval in the following three instances:*

- *Demolition of a building constructed between 1634 and 1900.*
- *Construction of a new building or substantial addition to an existing building.*
- *Substantial exterior alteration to a building constructed prior to 1900 which significantly changes the shape, height and proportions, or scale of the building, and/or its relationship to surrounding structures.*

*In each of the instances cited above, the Commission's determinations are binding.*

*When reviewing new construction or substantial exterior alterations, the Commission considers the compatibility of the proposed building with neighboring buildings, as well as historic architectural principles and standards related to building shape, scale, and relationship of the building to the street and other structures.*

*Creating an APD provides a level of protection for the town's irreplaceable historic resources that currently does not exist. It does so in a manner that is significantly less onerous and restrictive for property owners than local historic districts, which the town meeting has twice rejected, most recently 20 years ago. By making APDC review optional for the vast majority of home improvements, the proposed bylaw responds to the community's concerns about over regulation, while providing residents in the district some assurance that other owners in their district will not undertake irreversible actions that would devalue their properties.*

*This requires a majority vote.*

**MAIN MOTION: I move that the Town vote to approve Article 14 as set forth in the Warrant for this Town Meeting.**

## **Article Fifteen – Open Space Bond List**

Presenter – Wayne Castonguay

To see if the Town will vote to add the following parcels to the Open Space Parcels List (as referenced in Article 18 of the Warrant for the April 3, 2000 Annual Town Meeting) on file in the office of the Director of Planning and Development and in the office of the Town Clerk, said changes having been placed on file in the office of the Director of Planning and Development and in the office of the Town Clerk by September 25, 2014:

- 1) Land now or formerly of Miles River Sand and Gravel, Inc., 56, 64 and 68 Paradise Road, also known as Assessor's Map 21, Parcels 28, 29A and 29, consisting of approximately 201.5 acres;
- 2) Land now or formerly of the Belosselsky Ipswich Realty Trust, 31 Fox Creek Road, also known as Assessor's Map 44, Parcel 9, consisting of approximately 577.1 acres;
- 3) Land commonly known as Perkins or Treadwell Island, now or formerly of the Perkins Island Nominee Realty Trust, also known as Assessor's Map 32, Parcel 2, consisting of approximately 135 acres.;

or to take any other action relative thereto.

### **Requested by: Open Space Committee Selectmen Recommendation to Be Made at Town Meeting**

*Brief Summary: This article would add three parcels to the list of properties that could be acquired through the Ipswich Open Space Program. The Open Space Program, funded through a \$10 million bond issue, was authorized by Article 18 of the Warrant for the April 3, 2000 Annual Town Meeting. All parcels to be potentially purchased under the Program must be added to the Bond List by vote of Town Meeting.*

*The following properties would be added to the Open Space parcels list:*

- 1) Land now or formerly of Miles River Sand and Gravel, Inc., 56, 64 and 68 Paradise Road, also known as Assessor's Map 21, Parcels 28, 29A and 29, consisting of approximately 201.5 acres;
- 2) Land now or formerly of the Belosselsky Ipswich Realty Trust, 31 Fox Creek Road, also known as Assessor's Map 44, Parcel 9, consisting of approximately 577.1 acres; and
- 3) Land commonly known as Perkins or Treadwell Island, now or formerly of the Perkins Island Nominee Realty Trust also known as Assessor's map 33, Parcel 2, consisting of approximately 135 acres

*The above properties were not initially placed on the bond list because they had some development on them. They have all either recently changed owners or are being considered for sale. They all have coastal resource value, including habitat and coastal wetlands that can provide a buffer area against sea level rise. These projects are too large for the Town to acquire interest in on its own, but placement of the parcel on the bond list will allow the Town to participate in pre-acquisition costs, and protection through purchase of a partial conservation restriction or other fee acquisition.*

*This requires a majority vote.*

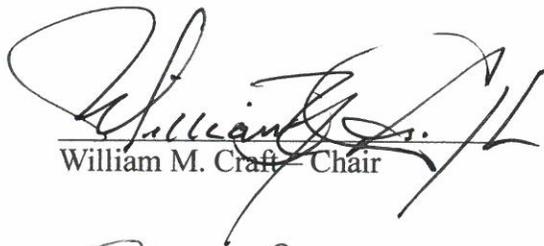
**MAIN MOTION: I move that the Town vote to approve Article 15 as set forth in the Warrant for this Town Meeting.**



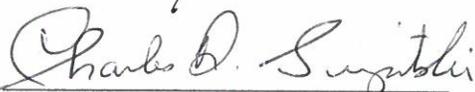
And you are directed to serve this Warrant by posting attested copies thereof in the Town Hall and in at least one public place in each precinct and by publication in a newspaper published, or having a general circulation in, the Town of Ipswich at least fourteen days prior to the time for holding the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

Given unto our hands this Fifteenth Day of September in the year of our Lord, Two Thousand and Fourteen.

TOWN OF IPSWICH  
BOARD OF SELECTMEN



William M. Craft – Chair



Charles D. Surpitski – Vice-Chair

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Shirley A. Berry – Member



Nishan D. Mootafian – Member

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Judy A. Field – Member

## KEY TERMS & MAJOR PLAYERS AT TOWN MEETING

### INTRODUCTION

Open town meeting has been the basic form of local government in New England for hundreds of years and its origins have been traced back for almost 1000 years in the Old World. This is pure democracy; where citizens directly administer the affairs of the town.<sup>1</sup> Registered voters are invited (technically “warned” by the **Warrant**) to assemble as citizen-legislators to transact the business of the Town.

Our by-laws provide that the Annual Town Meeting is the second Tuesday in May and typically we have a Special Town Meeting in October. Additionally, with 200 signatures a citizen can have the **Board of Selectmen** call a meeting. Only registered voters may vote in town meetings; non-registered visitors may attend and are seated in a separate section.

Following is a brief explanation of the key terms used in Ipswich town meetings as well as a short description of the major players involved. More detail is available in the Town Charter, our by-laws, and the manual which our by-laws require us to follow, *Town Meeting Time, A Handbook of Parliamentary Law*.<sup>2</sup> For more background information see the **Moderator’s** page on the Town’s website ([www.town.ipswich.ma.us](http://www.town.ipswich.ma.us)) or *Citizen’s Guide to Town Meeting* on the Citizen Information Service page of the Secretary of the Commonwealth’s website.

### THE TERMS

#### **WARRANT:**

The essence of any town meeting, the **Warrant** is the agenda. It has any number of **Articles**, each describing some general subject to be discussed. State law provides that it is under the control of the **Board of Selectmen** which sets the time and place of the meeting. It must be posted by the Constable at least seven days before the Annual Town Meeting and fourteen days before a Special Town Meeting. A copy of the **Warrant** is available on the Town’s website and published in the local newspaper. **Articles** are typically proposed by Town officials, although anyone is entitled to insert an **Article** if at least ten registered voters sign a citizen’s petition. The purpose of a **Warrant** is simply to give everyone fair warning of what to expect at the meeting.

#### **ARTICLE:**

An **Article** on the **Warrant** is not by itself a self-starting “motion” but simply defines the scope of the **Main Motion** to be addressed, debated, and voted. *We never vote on an Article; we vote on motions*; an **Article** is usually general while a motion must be specific. An **Article** usually begins with the words “To see if the Town will ...” and goes on to outline the limits of the subject matter for the **Main Motion** in the meeting. For example, the **Article** may simply read “To see if the Town will buy a police cruiser using up to \$50,000 from free cash, or take some other action thereto.”

#### **MAIN MOTION:**

When a sponsor announces an **Article**, she usually does so by saying “I move that the Town ...” For example, she might say “I move that the Town of Ipswich buy a *brand-new* police cruiser.” That then becomes the **Main Motion** under the **Article** and the **Moderator** will ask for a second. If seconded, the motion may be debated or amended before voting (yes or no), postponed, or otherwise disposed of. When we finish the **Main Motion** we go to the next **Article**. The **Main**

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<sup>1</sup> Thomas Jefferson called it the “wisest invention ever devised by the wit of man for the perfect exercise of self government and for its preservation.”

<sup>2</sup> Fun fact: *Town Meeting Time* repeatedly relies on *The Body of Liberties*, written in 1641 by Ipswich’s own Rev. Nathaniel Ward, which is said to be the first law book in the New World.

**Motion** may also be to take no action under the **Article**, known as “indefinite postponement.”

Other motions fall into three groups which are ranked in order of priority: Subsidiary Motions deal directly with the **Main Motion** at hand (e.g., someone moves to amend a pending motion); Incidental Motions deal with the conduct of the meeting as it relates to the *pending business* (e.g., a point of order or suspension of the rules); Privileged Motions deal with the conduct of the meeting *generally* (e.g., a motion to dissolve or point of no quorum).

#### **FOUR CORNERS:**

State law regarding town meeting provides that “no action shall be valid unless the subject matter thereof is contained in the **Warrant**.” This is the source of the “**Four Corners**” rule: it limits the scope of motions and arguments under an **Article**. Because the **Warrant** is a warning to voters of the topics to be decided by the meeting, the discussion must be within the **Four Corners** of an **Article**; anything “outside” the **Four Corners** would be unfair to discuss because it had not been in the **Warrant** and therefore some folks, not expecting it to come up, may not have gone to the meeting. Also, anyone addressing the meeting must speak directly to the topic; within the **Four Corners** of the **Article** as if it were written on a piece of paper.

#### **MOTION TO AMEND:**

This is an example of a Subsidiary Motion because it addresses the **Main Motion** (e.g., “I move to amend the **Main Motion** and limit the purchase of the police cruiser to a *second-hand* police cruiser with no more than \$25,000 from free cash.”) Someone making this motion cannot interrupt a speaker, must have a second, and if after enough debate a majority of the voters agree, the motion carries. Like a **Main Motion**, a motion to amend must be within the **Four Corners** of the **Article** under which the presenter made the **Main Motion**.

#### **MOVE THE QUESTION:**

This is another Subsidiary Motion. (The exact term is to **Move the Previous Question** but the shorthand – **Move the Question** – will do.) It simply means the speaker has heard enough and wants to stop the debate. She cannot interrupt a speaker, there must be a second, and if two-thirds of the voters agree we stop debate and vote on the topic we just finished debating. This is a judgment call for the **Moderator** who need not accept the motion, especially if voters are already in line with *new* information (as opposed to wanting to repeat what someone else has already said).

#### **POINT OF ORDER:**

An example of an Incidental Motion, this is a fancy way to say somebody has a question about the conduct of the meeting (maybe she can’t hear, or another speaker isn’t entitled to speak, or the topic discussed is frivolous). Technically, it is not a motion so there is no need for a second or debate and someone *can* interrupt the speaker with this tool. The **Moderator** will decide the point without debate but will not entertain it simply to interrupt a speaker.

#### **ADDRESSING THE MEETING:**

The long-standing tradition in Ipswich is for speakers to line up at a microphone, wait to be recognized, state their names and addresses, and say what they have to say.

A speaker may continue, usually for a few minutes, as long as she speaks directly to the **Article** under discussion (i.e., within its **Four Corners**). More complicated matters may require more time, at the discretion of

the **Moderator**. Comments and questions are to be addressed to the **Moderator**; speakers who address another member directly are out of order.

### **RECOUNTING THE VOTE:**

By State statute and local by-law, if after the **Moderator** declares the result of a voice vote “at least seven voters” stand up to question the declaration, the **Moderator** must then count the votes. After that there is no further challenge.

### **THE PLAYERS**

In addition to the **Warrant** described above, a meeting requires, at a minimum, a **Quorum, Moderator, and Clerk**, defined below. Usually, however, some of these other players are also involved in the meeting:

- **QUORUM:** Our by-laws require a quorum of two-hundred registered voters. They are the ultimate decision makers; their decisions are binding on the Town, including elected officials, unless there is a requirement for a ballot vote such as a Proposition 2½ override.
- **MODERATOR:** The presiding officer at all town meetings, state law provides that the Moderator’s primary responsibility is to “preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes.” In practice, that means making sure the meeting runs smoothly, the members understand what they are voting on, and there is no disruption.
- **CLERK:** Appointed by the Town Manager, the Town Clerk is responsible for distributing the Warrant, keeping a tally of the votes, and producing a record of town meeting votes.
- **BOARD OF SELECTMEN:** A five-member board, each elected for a three-year term, this executive board is responsible for setting the time and place of town meetings and acts on the Town’s behalf on various matters between the town meetings.
- **SCHOOL COMMITTEE:** A seven-member committee, each elected for a three-year term, this executive board is required by state law to be responsible for various matters affecting our public school system.
- **FINANCE COMMITTEE:** A nine-member committee appointed by the Moderator, Selectmen, and Annual Town Meeting, this advisory committee is responsible for investigating costs, maintenance, and expenditures of the different departments of the Town and to consider all Articles on the Warrant (except those providing for the election of Town officers). Its charge is to advise the town meeting on all matters before it.
- **PLANNING BOARD:** State law requires this Board to make plans for the development of the municipality and also to provide the Board of Selectmen with a report and recommendations.
- **TOWN MANAGER:** The chief fiscal officer of the Town, she supervises and directs the administration of all departments, boards, and offices subject to her appointment.
- **TOWN COUNSEL:** Retained by the Town Manager, Town Counsel is responsible for advising the Town as well as town meeting on questions of law.

### **CONCLUSION**

I hope this summary has been useful in providing a better understanding of the town meeting process, the long-term goal being to encourage more people to participate. Town meeting is a critical part of our local government and keeping it alive and well will go a long way to maintaining the character and improving the governance of the Town of Ipswich. If anyone has any questions, please feel free to contact me.

Tom Murphy, Town Moderator – [trmurphy@trmlaw.net](mailto:trmurphy@trmlaw.net)

Rev: 3/8/2013

For Notes: