

TOWN OF IPSWICH

Warrant

Special Town Meeting

Tuesday, October 27, 2015

7:00 PM

Ipswich Performing Arts Center

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-SEVENTH OF OCTOBER, 2015, at 7:00 o'clock in the evening, then and there to act on the following articles, viz:

Article One – FY'2016 Budget Amendment - Town

To see if the Town will vote to amend the Town's action taken under Article 8 of the May 12, 2015 Annual Town Meeting (FY'2016 Municipal Operating Budget) by appropriating \$59,865 to the Miscellaneous Expense budget (Management Transfer Account) and to meet this appropriation by transferring \$59,865 from additional State Cherry Sheet Funds, or to take any other action relative thereto.

**Requested By: Board of Selectmen
Selectmen Recommend: 5-0**

Article Two – FY'2016 Budget Amendment - School

To see if the Town will vote to amend the Town's action taken under Article 9 of the May 12, 2015 Annual Town Meeting (FY'2016 School Operating Budget) by appropriating \$133,564 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: 5-0**

Article Three – Amend Essex North Shore Agricultural & Technical School District funding

To see if the Town will vote to amend Article 12 of the May 12, 2015 Annual Town Meeting to raise and appropriate an additional \$36,008 from available funds to cover the Town's share of the 2016 annual operating and debt service expenses of the Essex North Shore Agricultural & Technical School District, or take any action relative thereto.

**Requested By: School Department
Selectmen Recommend: 5-0**

Article Four – Educational Stabilization Fund

To see if the Town will vote to establish a School Stabilization Fund for the purpose of funding the operation and capital expenses of the Ipswich School Department, and to transfer to said School Stabilization Fund \$604,210 from the sum appropriated to the FY16 School Operating Budget under Article 10 of the 2015 Annual Town Meeting, or take any other action relative thereto.

**Requested By: School Department
Selectmen Recommend: 5-0**

Article Five – Statutory Exemptions

To see if the Town of Ipswich will vote to reduce the age of eligibility to age 65 (from 70) for the property tax exemption for senior citizens under Massachusetts General Laws Chapter 59, Section 5, Clause 41C, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016: and

to adjust the exemption amount from \$750 to \$1,000 for the property tax exemption for senior citizens under Massachusetts General Laws Chapter 59, Section 5, Clause 41C, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016: and

to adjust the gross receipts limit for any exemption granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by increasing the allowable income for applicants from \$18,727 to \$20,000 if single and from \$23,175 to \$30,000 if married, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016; and

to adjust the asset limit for any exemption granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by increasing the allowable assets for applicants from \$30,593 to \$40,000 if single and from \$32,778 to \$55,000 if married, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016; and

to rescind the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income and asset limit for any exemption granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the amount of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2016, or take any action relative thereto.

**Requested By: Assessors
Recommendation to be Provided at Town Meeting by the Board of Selectmen**

Article Six – Purchase of Mini Excavator

To see if the Town will vote to appropriate the amount of sixty-five Thousand (\$65,000) from the Cemetery Sale of Lots Fund for the purchase of a mini excavator.

**Requested By: Cemetery & Parks Division/Public Works Department
Recommendation to be Provided at Town Meeting by the Board of Selectmen**

Article Seven – Solar Energy Collection Apparatus Regulation Amendment

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 Special Regulations in Section IX.Q. as shown below:

~~“Q. Ground Mounted Solar Photovoltaic Installations (GSI) Solar Energy Collection Apparatus~~

1. Purpose

The purpose of this bylaw is to provide standards for ~~Ground Mounted Solar Photovoltaic Installations (GSI)~~ **Solar Energy Collection Apparatuses** with respect to the placement, design, construction, operation, monitoring, modification, and removal of such installations...

2. Applicability

This ~~bylaw section~~ applies to all new ~~GSI rated over ten (10) kilowatts (kw)~~ **Solar Energy Collection Apparatuses, except single panel systems less than six (6) square feet in area such as those that electrify fences or illuminate signs.** Physical modifications to ~~GSI rated over ten (10) kw~~ that materially alter the type, configuration, or size of **new or existing Solar Collection Apparatuses also apply.**

3. General Requirements for ~~GSI rated over ten (10) kw~~ **Solar Energy Collection Apparatuses**

Solar Energy Collection Apparatuses proposed as accessory uses are allowed by right as provided in the Table of Uses in Section V of this bylaw. The following requirements apply to all ~~GSI rated over ten (10) kw and Solar Energy Collection Apparatuses~~ 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 Solar Energy Collection Apparatuses~~ shall be in compliance... All buildings and fixtures forming part of a ~~GSI Solar Energy Collection Apparatus~~ shall be constructed in accordance with the State Building Code.
- b. Building Permit, Building Inspection, and Fees: No ~~GSI Solar Energy Collection Apparatus~~ 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 rated over ten (10) kw shall provide the following documents:~~
 - ~~i. A site plan showing:~~
 - ~~a) Blueprints or drawings of the GSI signed by a licensed professional engineer showing the proposed layout of the system and any potential shading by nearby structures;~~
 - ~~b) 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;~~
 - ~~c) Documentation of the major system components to be used in the installation, including the PV panels, mounting system, and inverter;~~
 - ~~d) The name, address, and phone number for the proposed system installer;~~
 - ~~e) The name, address, phone number, and signature of the project proponent, as well as all co-proponents or property owners, if any;~~
 - ~~f) The name, address, phone number, and signature of any agents representing the project proponent; and~~
 - ~~ii. Documentation of actual or prospective access and control of the project site;~~
 - ~~iii. 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);~~
 - ~~iv. Proof of liability insurance acceptable to the Town;~~
 - ~~v. 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. c. Maintenance Requirements: The installation owners shall maintain the facility *apparatus* 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 Solar Energy Collection Apparatus** and *in the case of commercial Ground Mounted Solar Installations*, any access road(s), unless accepted as a public way.

~~e. Dimensional and Density Requirements~~

~~i. Setback and Yard Requirements:~~

~~a) GSI shall comply with the Dimensional and Density Regulations provided in Section VI of this bylaw.~~

~~b) GSI shall be no more than twelve (12) feet in height. The Planning Board, by special permit, may increase the allowable height provided that it deems the installation adequately shielded from view by vegetation, fencing, or physical topography.~~

f. d. Design Standards

i. Lighting: Lighting shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the **GSI Solar Energy Collection Apparatus** shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

ii. Signage: *When required, a sign shall be placed on a solar energy collection apparatus to identify the owner and provide a 24-hour emergency contact phone number.* Signs on or appurtenant to a **GSI Solar Energy Collection Apparatus** shall comply with Section VIII of this bylaw. **GSI Solar Energy Collection Apparatuses** shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.

iii. Utility Connections: Reasonable efforts shall be made to place cabling and utility connections from the **GSI Solar Energy Collection Apparatus** 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.

iv. *Glare: The permittee shall prevent reflected solar radiation or glare from becoming a nuisance or hazard to adjacent buildings, roadways, or properties by employing reasonable efforts, such as proper placement and arrangement of the Solar Energy Collection Apparatus, anti-reflective materials, solar glare modeling, roof mounts, vegetative screening, fences and other industry best practices. Reasonable efforts shall be demonstrated at the time of building permit application.*

~~g. Safety and Environmental Requirements:~~

- ~~i. 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.~~

e. Interconnection Agreement: Except for off-grid systems, all Solar Energy Collection Apparatuses are subject to an interconnection agreement between the owner and/or operator and the Ipswich Municipal Light Department prior to their use in the Town of Ipswich.

f. Submittal Requirements:

- i. Blueprints or drawings of the Solar Energy Collection Apparatus signed by a licensed professional engineer showing the proposed layout of the system, including the integrity of any structures under the system;*
- ii. Documentation of compliance with the requirements of the zoning bylaw;*
- iii. A one or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code (NEC) and Massachusetts NEC amendments compliant disconnects and overcurrent devices;*
- iv. Documentation of the major system components to be used in the installation, including the solar collectors, mounting system, and inverter;*
- v. The name, address, and phone number for the proposed system installer; and*
- vi. The name, address, phone number, and signature of any agents representing the project's proponents*

~~4. Additional Requirements for Principal, Commercial GSI Rated Over ten (10) kw~~

~~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... 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.~~

4. Dimensional Requirements for Ground Mounted Solar Installations (GSI)

- a. GSI shall comply with the dimensional regulations provided in Section VI of this bylaw, evidence of which shall be shown on a certified plot plan and an as-built plan.*
- b. GSI shall be no more than ten (10) feet in height. The Planning Board, by special permit, may increase the allowable height.*

5. Accessory Solar Energy Collection Apparatuses rated over ten kilowatts (10 kW) shall require site plan review pursuant to Section X. of this bylaw.

6. Requirements for Principal, Commercial Solar Energy Collection Apparatuses

The following additional requirements apply to all Solar Energy Collection Apparatuses used for principal commercial purposes:

- a. Site Plan Review: A Solar Energy Collection Apparatus proposed as a principal use shall undergo site plan review pursuant to Section X of this bylaw; and*
- b. Special Permit: A Solar Energy Collection Apparatus proposed as a principal use requires a special permit as provided in the Table of Uses in Section V of this bylaw. The Planning Board should consider the review criteria and requirements set forth below when determining suitability for a special permit.*
- c. Special Permit Submittal Requirements: All submittals shall include the following:*
 - i. Documentation of actual or prospective access and control of the project site;*
 - ii. Proof of liability insurance acceptable to the Town; and*
 - iii. Documentation that the Ipswich Municipal Light Department has been informed of the owner or operator's intent to execute a power purchase agreement. If a power purchase agreement is not available at the time of application, a conditional approval can be issued subject to filing of an acceptable power purchase agreement.*
- d. Special Permit Review Criteria*

In determining whether to issue a special permit, the Planning Board shall consider:

- i. Open Space and Agricultural Impact: Consistent with the Town's open space preservation goals, the owner of the land on which a Solar Energy Collection Apparatus 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:*
 - a) A general description of the installation site, including proximate natural features, flora, fauna, wetlands, and waterways;*
 - b) Any trees and other wildlife to be displaced by the installation;*
 - c) Any efforts to mitigate groundwater management issues caused by increase in impervious surface if applicable;*
 - d) 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*
 - e) Any environmental remediation efforts that the owner or operator anticipates will be necessary for installation, maintenance, or removal of the installation.*
- ii. 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 Solar Energy Collection Apparatus or otherwise proscribed by applicable laws, regulations, and bylaws.*
- iii. Operation and Maintenance Plan: The applicant shall submit a plan for the operation and maintenance of the Solar Energy Collection Apparatus, 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.

- iv. 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.*

e. Financial Surety Requirement

Proponents of Solar Energy Collection Apparatuses 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 one hundred twenty-five percent (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.

f. Safety Requirements

The Solar Energy Collection Apparatus owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Ipswich Fire Chief and, if connected to the grid, to the Ipswich Municipal Light Department. 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.

g. Requirements for Abandonment and Decommissioning

- i. Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar Energy Collection Apparatus 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.*
- ii. Removal Requirements: Any Solar Energy Collection Apparatus 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:*

- a) Physical removal of all parts of the Solar Energy Collection Apparatus from the*

site, including but not limited to installations, structures, equipment, security barriers, and transmission lines;

- b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and*
- c) 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.”*

2) Amend the Table of Use Regulations and Footnote “36” in Section V.D. as shown below:

“ TABLE OF USE REGULATIONS										
PRINCIPAL USE	DISTRICT									
Commercial	RRA ¹⁶	RRB ¹⁶	RRC ¹	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Ground-mounted solar photovoltaic installations <i>Solar Energy Collection Apparatus</i>	SPB ^{17, 36}	P ^{17, 36}	SPB ^{17, 36}							
<i>ACCESSORY USE</i>										
Non-habitable sSolar Energy Collection Apparatus	P ³⁶	P ³⁶	P ³⁶							
Ground-mounted solar photovoltaic installations	P ³⁶	P ³⁶	P ³⁶							

FOOTNOTES TO USE REGULATIONS

36. ~~Ground Mounted Solar Photovoltaic Installations (GSI) rated over 10 kilowatts (kw)~~ *Solar Energy Collection Apparatuses* are subject to the regulations in Section IX.Q. of this bylaw.”

3) Amend Section VI. Dimensional and Density Regulations as follows:

- a. Amend footnote “7.” in the Footnotes to Table of Dimensional and Density Regulations in subsection B., to read as follows:

“7. The Zoning Board of Appeals may reduce by special permit the minimum setback requirements for ~~non-habitable~~ solar energy collection apparatuses up to a maximum of fifty percent (50%) of any such requirement.”

- b. Amend subsection G. Other Dimensional and Density Requirements, paragraph 2 as follows:

- Amend sub-paragraph “b.” as follows: “Broadcasting and television antennae, bulkheads, cooling towers, ventilators, mechanical systems, *Solar Energy Collection Apparatuses*, and other appurtenances usually carried about the roof and not in any manner used for human occupancy may have a height up to fifteen percent (15%) greater than the applicable height limitation of this section.”
- Add a new sub-paragraph “g.”, to read as follows, “*g. The maximum height of a Solar Energy Collection Apparatus is established by IX.Q.4.b of this zoning bylaw.*”

4) Amend Section X. Site Plan Review, B. Applicability, by adding a new paragraph “5”, to read as follows:

“5. Any activity or use that is indicated elsewhere in this bylaw as requiring site plan review.”; or take any action relative thereto.

**Requested By: Planning Board
Recommendation to be Provided at Town Meeting by the Board of Selectmen**

Article Eight – Solar Access Amendment Dimensional and Density Regulations

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)

Amend Section VI. Dimensional and Density Regulations by adding a new sub-section, “J. Solar Access”, to read as follows:

“J. Solar Access

The owner of a parcel of land abutting a lot which contains a solar energy collection apparatus shall not construct or install an accessory building or structure, plant vegetation, or erect an opaque fence in a manner that blocks the solar energy collection apparatus’s access to sunlight. For the purposes of this subsection J., the installation of any accessory building, structure, vegetation or fence on the abutting lot that causes the solar energy collection apparatus to be shaded between the hours of 9:00 a.m. and 3:00 p.m., on any day of the year, shall be considered to block the solar energy collection apparatus’s access to sunlight.”

Or take any action relative thereto.

**Requested by: Planning Board
Recommendation to be Provided at Town Meeting by the Board of Selectmen**

Article Nine – Lodging Zoning Amendments

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 “Section III. Definitions” by modifying the definition of “Inn” as shown below:

~~INN: A building or group of buildings containing no more than 15 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, and/or related retail and consumer services, intended primarily for serving the guest room occupants and only incidentally the public, may be provided within the building or buildings.~~ ***A building or group of buildings containing no more than fifteen (15) guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, function and dining room, and/or related retail and consumer services may be provided for public use within the building or buildings.***

2) Amend “Section V. Use Regulations. D. Table of Use Regulations”, as follows:

TABLE OF USE REGULATIONS (cont'd)										
PRINCIPAL USE	DISTRICT									
Commercial (cont'd)	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Hotels and Motels	—	—	—	—	P	P	P	SPB	P	SPB
Inn, including conversion of an existing dwelling into an inn ²⁵	SBA SPB	—	SBA SPB	P SPB	P	P	P	P	P	SBA SPB
Bed & Breakfast establishment, including conversion of an existing dwelling into a bed & breakfast establishment	SPB	—	** SPB	SPB	P	P	P	P	—	SBA SPB
Bed & Breakfast Home	SPB	—	SPB	P	—	—	P	—	—	—
ACCESSORY USE	DISTRICT									
Accessory Use (Manager Unit): Inn	SPB	—	SPB	SPB	SPB	SPB	SPB	** SPB	SPB	** SPB
Accessory Use (Manager Unit): Bed & Breakfast establishment	** SPB	SPB —	** SPB	SPB	SPB	SPB	SPB	SPB	—	** SPB
Accessory Use (Manager Unit): Hotels, Motels	—	—	—	—	SPB	SPB	SPB	SPB	SPB	** SPB

; or take any action relative thereto.

**Requested by: Planning Board
Recommendation to be Provided at Town Meeting by the Board of Selectmen**

Article Ten – Miscellaneous Zoning Amendments

To see if the Town will vote to amend the Ipswich Protective Zoning Bylaw as follows:
(~~Strike through~~=language to be deleted; **bold italics** = language to be added)

1) Amend Section “IV. Zoning Districts, B. Intent of Districts, 8. Limited Industrial”, as follows:

“8. The Limited Industrial District is intended for ~~some~~ light industrial, wholesale, warehouse **and office** uses. Industrial uses which require smelting or chemical reduction or which might constitute a nuisance due to odor, fumes, dust, vibration, heat, glare, noise, (i.e., have a decibel level over fifty-five (55) more than fifty (50) feet from the premises), or other nuisance characteristic are not intended. Retail ~~and office~~ uses ~~are~~ **is** prohibited...”

2) Amend Section “VIII. Signs, C. Definitions”, by striking the definition of “Special Permit Granting Authority” in its entirety; or take any action relative thereto.

**Requested by: Planning Board
Selectmen Recommend: 5-0**

Article Eleven – Athletic Fields Bond

To see if the Town will vote to authorize the Treasurer to borrow a sum not to exceed \$1,000,000 for the design and construction of an artificial turf field at the Ipswich Middle School and High School, and to raise this appropriation by authorizing the Treasurer, with the approval of the Board of Selectmen, to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or take any other action relative thereto.

Requested by: School Committee
Recommendation to be Provided at Town Meeting by the Board of Selectmen

Article Twelve – Open Space Parcel List Additions

To see if the Town will add the following seven 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 & Development and in the office of the Town Clerk by September 15, 2015:

- 1) Land now or formerly of the Belosselsky Ipswich Realty Trust or US Trust Bank of America, at 298 Argilla Road, also known as Assessor's Map 33, Parcel 14, consisting of approximately 20.5 acres;
- 2) Land now or formerly of Bruni John J Trs and Southern Cross Realty Trust, at 26, 36, 38, 42, and 44 Essex Road, also known as Assessor's Map 54A Parcel 14A, Map 54C Parcels 22, 22A, 23, and 24, respectively, consisting of a total of approximately 13.3 acres;
- 3) Land now or formerly of Clapp, William K Trs and The Essex Road Life Establishment Trust, at 48 Rear Essex Road, also known as Assessor's Map 54C Parcel 25, consisting of approximately 5.2 acres.

Requested by: Open Space Committee
Selectmen Recommend: 5-0

Article Thirteen – Additional ZBA Alternate

To see if the Town will vote to amend "Section XI.F of the Ipswich Protective Zoning Bylaw as follows: (~~Strikethrough~~ = language to be deleted; ***bold italics*** = language to be added)

F. Zoning Board of Appeals

"A Zoning Board of Appeals consisting of five (5) members and ~~two (2)~~ ***three (3)*** associate members shall be appointed as provided in Section 12 of Chapter 40A of the General Laws... The chairman of the Zoning Board of Appeals may designate one of the associate members to sit on the Zoning Board as a voting member in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the Zoning Board until such vacancy is filled in the manner provided in Section 12 of Chapter 40A."; or to take and action relative thereto.

Requested By: Zoning Board of Appeals
Recommendation to be Provided at Town Meeting by the Board of Selectmen

Article Fourteen – Miscellaneous Conservation Bylaw Amendments

To see if the Town will vote to amend “Chapter XVIII. Wetlands Protection By-Law” of the Ipswich General By-Laws as follows:

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

1) Amend SECTION 2: JURISDICTION as follows:

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

Coastal wetlands,

Freshwater wetlands,...

or land within 150 feet of the ~~Parker River/Essex Bay~~ ***Great Marsh*** Area of Critical Environmental Concern;

or Riverfront Area as defined by M.G.L. Chapter 131 §40, as most recently amended.”

2) Amend SECTION 3: DEFINITIONS, EXEMPTIONS, TIME FRAMES, REQUIREMENTS, AND PERFORMANCE STANDARDS as follows:

“Except as otherwise provided in this By-Law or regulations of the Commission, ***including but not limited to Section 19 of this By-Law***, the definitions of terms, exemptions, limited projects, performance standards, time frames, and requirements in this By-Law ... as may be amended from time to time.

The term “~~Parker River/Essex Bay~~ ***Great Marsh*** Area of Critical Environmental Concern” shall include that portion of the state-approved “~~Parker River/Essex Bay~~ ***Great Marsh*** ACEC ... as further shown on a map entitled ~~Parker River/Essex Bay~~ ***Great Marsh*** Area of Critical Environmental Concern ... from the United States Geological Service.

The term “Fresh Water Wetland” shall include any marsh, bog, swamp or wet meadow, whether or not it borders on a water body... A wetland not bordering on a body of water and not exceeding 5000 square feet shall not be subject to protection under this By-Law, ***unless said wetland is or can be certified as a Vernal Pool, as established by Massachusetts Natural Heritage and Endangered Species Program’s “Guidelines for Certification of Vernal Pool Habitat.***

The term “Alter” shall mean to change the condition of any area subject to protection under this By-Law. Examples of alterations include, but are not limited to the following:

- a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind; ...
- h) Destruction of plant life ~~including cutting of more than five mature trees~~; ...
- k) Application of pesticides and/or herbicides.”

3) Amend SECTION 4. FILING PROCEDURE as follows:

“A permit application (“Application” ~~or “Notice”~~), which may be identical in format to a ~~Notice of Intent~~ ***state Wetlands Protection Act forms***, as required pursuant to MGL Chapter 131 Section 40, shall, at a minimum, have the same content as that required by ~~“Notice of Intent”~~ ***these forms***. The application shall include such plans as may be necessary to ... protect the interests identified in this By-Law.

No work shall begin until the permit, which may be the same as the ~~Order of Conditions~~ *permits* issued under M.G.L. Chapter 131, Section 40, has been issued, all appeal periods have expired, and said permit, *if required by M.G.L. Chapter 131, Section 40*, has been recorded ... in accordance with Section 18 of this By-Law.

The application shall be sent by certified mail, return receipt, or hand delivered to the ~~Ipswich Conservation Commission~~ *Office* at the Town Hall, or ~~in its absence~~ *if necessary* to the ~~Town Clerk~~ *Planning Office*. No such ~~notice~~ *application* shall be sent before all permits, variances, and approvals, except ... that such application may be filed ... after the filing of an application or applications for said permit, variances, and approvals; provided, that such ~~notice~~ *application* shall include any information ... necessary to describe the effect of the proposed activity on the interests protected by this By-Law.”

4) Amend SECTION 9: PERMITS AND CONDITIONS as follows:

~~“In the event of a denial of an application, the Commission shall set forth in detail the reasons for the denial. The Commission shall then file its decision with the Town Clerk, a copy of which shall be recorded in a book kept for the purpose, and shall send notice of such action to the applicant ... to the address stated on the application... An applicant may apply for an extension ... and the Commission may grant extensions for one or more periods of up to three years each. Notice of any extensions of time granted an applicant shall be filed with the Town Clerk.”~~

5) Amend SECTION 12: EMERGENCY PROJECTS

~~“A certificate of emergency condition shall be filed with the Commission by the Board, Town Manager, Agency, or Commission which authorized the project, within fourteen (14) days after the initiation of work, and a copy thereof shall be recorded by the Town Clerk.”~~

6) Amend SECTION 19: EFFECTIVE DATE as follows:

~~“This By-Law shall not apply to those projects or activities which are exempt from the provisions of the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, as amended and 310 CMR 10.00, as amended. *This By-Law does not exempt those activities cited in 310 CMR 10.02(2)(b), as may be amended, unless specifically cited in the Ipswich Wetland Protection By-Law Rules and Regulations.*”;~~

or take any action relative thereto.

**Requested By: Conservation Commission
Selectmen Recommend: 5-0**

Article Fifteen – Citizen’s Petition

We the undersigned support a citizens petition to amend General Provisions on Boards, Committees and Officers Chapter 4 Section 1 of our general by laws by adding subsection E as follows:

Individuals who are not residents in good standing and who are not registered voters within the Town of Ipswich are ineligible to participate on Town boards. A paid employee of the Town shall not be a member of a Town board which is in any way related to his/her employment, but may act in an advisory position to that

board. Also, any paid Town employee with supervisory duties shall not be a member of a Town board which is in any way related to his/her employment during his/her term of office for at least one year after leaving office.

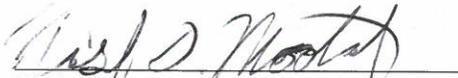
In regard to participation on a regulatory board, no person shall serve simultaneously as a member/alternate member of more than one of the following Town Boards: Conservation Commission, Board of Health, Historical Commission, Planning Board, Zoning Board of Appeals or Board of Selectmen.

Requested By: Joni Soffron
Selectmen Recommend: No Recommendation

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 Fourteenth Day of September in the year of our Lord, Two Thousand and Fifteen.

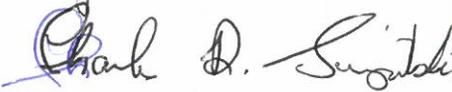
TOWN OF IPSWICH
BOARD OF SELECTMEN



Nishan D. Mootafian – Chair



Judy A. Field – Vice-Chair



Charles D. Surpitski – Member



William M. Craft – Member



Edward B. Rauscher – Member