



Town of Ipswich, Massachusetts

2017 Special Town Meeting Warrant

**Tuesday, November 7, 2017 at 7:00 PM
Ipswich High/Middle School Performing Arts Center
134 High Street, Ipswich**

9/21/2017

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 SEVENTH OF NOVEMBER, 2017, at 7:00 o'clock in the evening, then and there to act on the following articles, and to hear a report from the Public Safety Building Committee, viz:

Article One – Amend Town Budget (State Aid)

To see if the Town will vote to amend Article 3 of the May 9, 2017 Annual Town Meeting (FY2018 Municipal Budget) by raising and appropriating the additional sum of \$78,665 to the FY18 General Government – Management Transfer account, or take any other action relative thereto.

Requested By: Town Manager
Board of Selectmen Recommend: 5 – 0

Summary: The state budget has been finalized and the Town will receive additional Local Aid. This appropriation will be used to offset unanticipated expenses during FY2018. This sum includes the State's 75% reimbursement to the Town for veterans' benefits in FY2016, as well a general government aid. These funds go back into the Management Transfer account, which then covers unforeseen shortages in veteran's benefits or other town budgets each year. This requires a simple majority vote.

Article Two – Amend School Budget (State Aid)

To see if the Town will vote to amend Article 4 of the May 9, 2017 Annual Town Meeting (FY2018 School Budget) by raising and appropriating the additional sum of \$20,060 or take any action relative thereto.

Requested By: School Department
Board of Selectmen Recommend: 5 – 0

Summary: The state budget has been finalized and the Town will receive additional net Chapter 70 funds. These funds will be used to offset the cost of school expenses. This requires a simple majority vote.

Article Three – Education Stabilization Fund

To see if the Town will vote to amend Article 4 of the May 9, 2017 Annual Town Meeting (FY2018 School Budget) by transferring the sum of \$127,356 from the FY2018 school budget to the Education Stabilization Fund, or take any action relative thereto.

Requested By: School Department
Board of Selectmen Recommend: 5 – 0

Summary: The School Department has established a fund to offset future education cost increases. At the time the warrant was set, the balance in this account was \$1,876,770. This requires a simple majority vote.

Article Four – Appropriation to Essex Tech

To see if the Town will amend Article 6 of the May 9, 2017 Annual Town Meeting by reducing or increasing the Town's share of the budget appropriated for the 2018 annual operating and debt service expenses of the Essex North Shore Agricultural & Technical School District, or take any action relative thereto.

Requested By: Town Manager
Board of Selectmen Recommend: 5 – 0

Summary: The Essex North Shore Agricultural & Technical School District Estimated FY2018 Budget was voted at the Annual Town Meeting in the amount of \$250,000. This estimate is for the tuition and estimated transportation costs of 9 students. After the October 1st official enrollment is completed, the final budget figure will be available in Mid-October. The final FY2018 Budget figure will be included in the motion of this article. This requires a simple majority vote.

Article Five – Amend Capital Plan

To see if the Town will vote to amend Article 7 of the May 9, 2017 Town Meeting (Annual Capital Plan) by transferring the sum of \$125,000 from the Fire Department SCBA (self-contained breathing apparatus) set-aside replacement capital account to a new capital account for the purpose of purchasing new SCBA equipment, or take any action relative thereto.

**Requested By: Fire Chief
Board of Selectmen Recommend: 5 – 0**

Summary: The Fire Department applied for and received a grant of \$106,686 from U.S Department of Homeland Security to match town funds for acquiring new SCBA equipment. This appropriation will enable to department to procure up-to-date personal safety equipment. This requires a simple majority vote to release the funds.

Article Six – Amend FY18 Water Department Budget

To see if the Town will vote to amend Article 3 of the May 9, 2017 Annual Town Meeting (FY2018 Water Department Budget) by transferring the sum of \$80,000 from Water Reserves to the FY18 Water Department Budget, or take any other action relative thereto.

**Requested By: Water Department
Board of Selectmen Recommend: 5 – 0**

Summary: Multiple large water main breaks occurred at the beginning of FY18. The magnitude of the repairs resulted in expenses beyond what is routinely anticipated. These funds will be used to offset the cost of Water Department repair expenses and undertake funding of design of the water main replacement on Mill Road. This requires a simple majority vote.

Article Seven – Amendments to Footnote 11 and Infill Housing Provisions

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

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

(1) Amend Section VI. Footnotes to the Table of Dimensional & Density Regulations by:

Modifying footnote “11” as follows:

“11. The ***Planning Board may increase*** the number of dwelling units ~~obtained by~~ ***allowed under*** this requirement ~~may be increased by special permit of the Planning Board if the Planning Board~~ ***if it*** determines that ~~the~~ ***a proposed*** multi-family dwelling ***or multi-family residential development*** shall ~~would~~ provide significant public benefit to the ~~Town~~ ***general public. For the purposes of this provision, P***public benefit shall mean ***contributing to the preservation or creation of*** affordable housing as defined in Section IX.I. of this bylaw, or ***contributing to the enhancement or creation of*** public recreational facilities. ***Multi-family dwellings or developments that provide at least 20% of the additional dwelling units allowed under this footnote as affordable (as defined in Section IX.I.3.a.i.), or which pay a \$20,000 affordable housing fee for each unit allowed under this footnote, will satisfy the public benefit requirement. As a stimulus for creating affordable housing units, if a multi-family development or dwelling of nine or fewer units meets the affordability requirement under Section IX.I.3.a.ii by creating an affordable unit, then the fee for additional units allowed under this footnote shall be \$15,000 per unit.***

To meet the public benefit requirement related to public recreational facilities, the Applicant must demonstrate both a community need for the improvements and a nexus between the improvements and the proposed multi-family housing.

Under no circumstances shall the Planning Board ~~waive the density and dimensional requirements to exceed~~ ***allow less than the following minimum lot area for multi-family dwellings, multi-family residential development, and mixed residential/business uses, measured on a per unit basis: In the CB and GB Districts, 5,000 square feet (s.f.)***

plus 2,000 square feet s.f. per unit in overall density for multi-family, and 3,000 square feet s.f. plus 1,500 square feet s.f. per unit in overall density for residential mixed residential/business uses.; ***in the IR District, 5,000 s.f. plus 3,500 s.f. per dwelling unit, except for the residential conversion of buildings containing non-residential uses and in existence on the effective date of this zoning amendment, for which the minimum lot area shall be no less than 5,000 s.f. plus 2,000 s.f. per dwelling unit. This footnote shall not apply to parcels in the IR District which have less than 12,000 s.f. of lot area.***

(2) Amend Section IX. Special Regulations as follows:

a) Modify footnote 28 by deleting the language of the footnote in its entirety, and substituting in lieu thereof the following: ***“28. The minimum lot area requirement for a single-family house lot may be reduced by up to 50% by special permit from the Planning Board, subject to the requirements of Section IX.S. of this bylaw.; and***

b) Add a new subsection, ***“S. Infill Single-Family House Lots”***, to read as follows:

“S. Infill Single-Family House Lots

1. The purposes of this subsection are to:

- a. Encourage the development of moderately priced detached single-family homes.***
- b. Ensure that the development of such homes is done in a manner that is consistent with both the character and the development pattern of their surrounding neighborhoods.***
- c. Provide funding to support ongoing Town efforts to provide housing opportunities for households earning up to 80% of the Median Regional Household Income.***

2. Applicability

To be eligible for division into separate house lots under this subsection, an existing lot in the IR District must meet the following requirements:

- a. The lot must have sufficient lot area and frontage to allow its division into two lots, with each new lot having a minimum of fifty feet of street frontage and 5,000 square feet of area.***
- b. The area of the existing lot shall be less than one acre.***
- c. The lot shall contain no more than one principal building, and that building shall be a single-family house which, as of the effective date of this provision, is located in a manner that allows the creation of an additional house lot that meets the requirements of this paragraph 2 and paragraph 3 below without needing to be demolished or relocated.***
- d. In no instance shall the area of the newly created lot be less than 40% of the area of the lot to be subdivided.***
- e. The division of a lot under this subsection is only allowed pursuant to a special permit from the Planning Board.***

Existing lots which conform to an original subdivision layout, in which they were held separately or combined with an adjoining lot or lots, are also eligible to divide into separate house lots if they meet the above requirements, except that they are not necessarily limited to one additional house lot, and are not subject to 2.d.

3. Standards and Conditions

Any special permit approved by the Planning Board to create an infill single-family house lot under this subsection shall be subject to the following conditions:

a. The only buildings permitted on the new lot shall be a single-family house not exceeding 2,200 square feet of floor area, and one accessory building of no more than 150 square feet in area.

b. The minimum lot width and front yard setback requirements for the existing and proposed houses shall be fifty (50) feet and ten (10) feet, respectively, except that the non-impacted side yard setback for the existing house, if legally nonconforming, may remain at its current setback, and the front yard setback for the new house may be modified by application of Footnote 1 to the Table of Dimensional and Density Regulations in Section VI.

c. The Applicant shall make the new house permanently affordable as defined in Section IX.I of this bylaw, or pay a fee of \$40,000 into to the Town's Affordable Housing Trust Fund. The fee may be adjusted by the Planning Board from time to time by the issuance of guidelines or regulations, pursuant to paragraph 3.a.ii in Section IX.I of this bylaw.

d. In addition to finding that the application satisfies the criteria described in Section XI.J. of this bylaw, the Planning Board must also find that the proposed single-family house will be compatible with the development pattern of the neighborhood, in terms of design, siting, massing, scale, and materials, and the lot layout. To inform its determination, the Board may seek an advisory opinion from the Design Review Board.”;

or to make any other changes relative thereto.

**Requested By: Planning Board
Board of Selectmen Recommend: 4 – 1**

Summary: Revisions to two related housing bylaws are proposed to enhance their effectiveness, expand their utility, and clarify vague language. Accepting these changes will:

- address public concerns about potential density increases in the IR District by introducing a less impactful development option (single family houses) where multi-family buildings could be constructed;*
- help shift future development in the IR District from multi-family toward single family, as appropriate;*
- help meet a growing need for single family homes priced within reach of people earning moderate incomes;*
- ensure that single family homes constructed under this provision are consistent with neighborhood character by controlling building scale, parcel size, frontage and setback requirements; and*
- continue to support the Town's inclusionary housing goals by creating affordable housing units and allowing payments to the Affordable Housing Trust Fund as part of the special permit process.*

Infill housing refers to the development of houses on vacant or under-utilized land, at a scale that is compatible with the surrounding neighborhood. Ipswich has an existing infill housing provision dating to 2003, which applies to certain double-lot parcels in the IR District that are shown on subdivision plans which pre-date zoning regulation. This article would expand the applicability of the current provision by removing the required relationship to a pre-zoning subdivision, and replacing it with an overlay district which establishes certain threshold standards.

There are 63 lots within the proposed overlay district that seem to satisfy the minimum requirements to apply for a Planning Board special permit, based on their size, frontage and topography. Of these potential candidates for infill housing, nearly one-third, or 19, are already eligible under the existing provision. It bears noting that “applicability” and “desirability” are two different things, as demonstrated by the fact that only four (17%) of the 23 lots eligible for infill under the initial provision have been developed in this manner. Based on that utilization rate, we estimate that the expanded infill provision will generate about 12 infill houses over the next ten to fifteen years.

Another important point is that, under the existing bylaw, the lots in question could be potentially developed today as multi-family – supporting three or more households on each parcel – which would result in greater density than the single

family option proposed herein. The bylaw revisions put forth in this article would shift the development pattern away from multi-family toward single family, or at least provide a less dense development option.

The modified infill provision retains the safeguards established in the original, to help ensure that new infill housing would be in reach of moderate-income households (earning 100-120% of median area income and for whom the current housing inventory is very limited), and be consistent with the development pattern and scale of the surrounding neighborhood. These safeguards, such as maximum limits on floor area, design standards, and the special permit requirement, are described in a new subsection "S." of Section IX, along with the modified applicability requirements.

Changes are also proposed under Footnote 11 to the Table of Dimensional & Density Regulations. Footnote 11, also called the "density bonus option," is a mechanism by which more multi-family residential units can be built than are ordinarily allowed, provided the applicant provides a public benefit and is granted a special permit. The proposed revisions would: 1) address concerns expressed by the development community about the current footnote's lack of specificity as to what constitutes a public benefit; 2) provide an expanded description of the public benefit requirement (including changing the payment-in-lieu option to a fixed figure, instead of one set on a case-by-case basis at the discretion of the Planning Board); and 3) lessen density by raising minimum lot sizes under the density bonus option (e.g., three-family houses would require at least 12,000 sq. ft. in lot area, instead of 9,000 sq. ft.) The density limits imposed in the 3rd revision to Footnote 11 are the mechanism for shifting the balance of the development pattern in the IR District toward more single-family houses and less multi-family development. This requires a 2/3 majority vote.

Article Eight – Amendments to Inclusionary Housing and Accessory Building Conversion Provisions

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

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

(1) Amend Section IX. Special Regulations as follows:

a) Revise "I.3" as shown below:

a.ii. For multi-family residential developments of ~~less~~ ***fewer*** than ten (10) units requiring a special permit, the applicant shall...provide either one (1) Affordable Housing Unit... or pay a fee to the Town to provide affordable housing in Ipswich. The fee shall be calculated on a pro-rata basis, and ~~shall be \$10,000 per unit for developments up to nine of fewer than ten dwelling units,~~ ***the fee shall be \$10,000 per rental unit and between \$10,000 and \$25,000 per ownership unit, based on the formula in the "Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option", adopted on June 19, 2008, as amended.*** The fee may be adjusted from time to time...."

~~b. Single Family Developments of Ten or More Dwellings~~

~~Applicants developing ten or more single family ...dwellings... shall comply with the following requirements:~~

~~(i) Provide ten percent of the units in accordance with 3.a.i... of this Subsection I., and~~

~~(ii) Obtain an Open Space Preservation Zoning special permit...~~

~~e.b. Single-Family Developments of Less than Ten Units.~~

~~Applicants developing fewer than ten (10) single-family detached or attached dwelling units in the RRA and RRB Districts ***and seeking to obtain the density bonus described in footnote 26 to the Table of Dimensional and Density Regulations in Section VI. of this bylaw*** shall comply with the following requirements:...~~

~~d.c. Subdivision Approval"; and~~

b) Modify "P. Conversion of Accessory Building into Residential Unit" as follows:

(a) Revise “2. Applicability”, paragraph “b.” as follows.

“b. The accessory building is located on a lot *within the IR or RRA Districts having an area of at least 10,000 square feet* where the ~~primary principal~~ building is a single family or two-family residential dwelling ~~in the IR or RRA District~~”; and

(b) Revise “3. Community Benefit, paragraph “b.” as follows:

“b. Other potential uses *or actions* that the Planning Board find to meet a community need are as follows:...

ii. ~~Applicant pays, to the affordable housing trust, a~~ fee in lieu of providing an affordable unit. ~~The amount of the fee shall be determined by the Planning Board~~ *If the Board decides to accept a fee in lieu, the amount shall be \$15,000.*”; and

(c) Revise “4. Standards for Reuse, paragraphs “a.i”, “c.”, and “c.iv.d)” as follows:

“a.i. *The Planning Board determines that* ~~t~~The building does not have historical or architectural significance ~~as determined by the Planning Board~~, and due to the condition of the building, replacement is more economically feasible than renovation. ~~Additionally, t~~The applicant shall be required to provide plans...”; and

“c. Building envelope: Renovations ... will be limited to the current envelope except as follows (for the purposes of this subsection, *building envelope* is defined as *all the elements of the outer shell of a building that maintain an enclosed indoor environment* ~~the three-dimensional space within which a building or buildings are permitted to be built on a lot and which is defined by regulations governing building setbacks and maximum height and bulk~~):...

“c.iv.d) In no instance shall the ~~size~~ *building envelope* of the accessory building be increased by more than fifteen (15) percent (%) of its current ~~size~~ *volume*, including any appurtenances...”;

(d) Delete “5. Special Application Process” in its entirety; and

or to make any other changes relative thereto.

Requested By: Planning Board
Board of Selectmen Recommend: 4 – 1

Summary: These revisions are intended to enhance the effectiveness and utility of the existing provisions related to the inclusionary housing option for single family subdivisions (Section IX. Special Regulations I.3) and the conversion of an accessory building into a dwelling (Section IX. Special Regulations P) in the zoning bylaw.

The first revision pertains to the inclusionary housing provision of the bylaw. Under the existing provision, subdivisions of ten or more lots in the RRA or RRB districts MUST meet an inclusionary housing requirement, which is narrowly defined as making at least 10% of the houses affordable to people earning no more than 80% of area median income. This article would allow an alternative means of satisfying the requirement, namely a payment into the Affordable Housing Trust Fund (using a payment calculation that has been in place by regulation since 2008). By adding flexibility to this special permit process, the change would incentivize developers to select the development option that best meets the Town’s interests. It would also simplify the bylaw and add uniformity by making the requirement for subdivisions of ten or more lots the same as currently exists for subdivisions of nine or fewer lots.

The other purpose of this article is to improve the existing bylaw provision re converting accessory buildings (e.g., garages, barns, or carriage houses) into dwelling units. Shortcomings of the existing bylaw are threefold: (1) the community benefit requirement is vague; (2) there is no minimum lot size threshold; and (3) the definition of building

envelope is not sufficient. These shortcomings can frustrate applicants, interested parties, Planning Board members and staff, and prolong the special permit process.

The current provision allows applicants to satisfy the community benefit requirement by four options: (a) providing housing for a family member; (b) restoring an historic structure; (c) making the dwelling unit affordable; or (d) providing a payment-in-lieu to the Affordable Housing Trust Fund. This article would make the fourth option more specific, by setting the payment-in-lieu at \$15,000. The required amount would be consistent with past practice, and has been recommended by the Ipswich Affordable Housing Partnership, which is the Town's advisory group on housing matters. Finally, the article would establish a minimum lot size of 10,000 square feet, and quantify building alterations by volume (i.e., three dimensional) instead of size (which could be interpreted as two dimensional).

By making the above-described revisions, the article would provide clearer guidance to property owners thinking about undertaking an accessory conversion, better protect the interests of abutters, and facilitate the Board's consideration of such applications, all while achieving the objectives of the original provision. This requires a 2/3 majority vote.

Article Nine – Miscellaneous Amendments to the Protective Zoning Bylaw

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

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

- (1) Amend the definition of "Floor Area" in Section III, Definitions, as shown below:

"FLOOR AREA: The aggregate gross area of all floors within a principal building, including interior space measured from the surface of the building's exterior walls excluding cellars, basements, garages, areas under awnings or covered entry landings/decks, and attics not designed or used for human occupancy and excluding any area in accessory buildings. The method for calculating the "Maximum Floor Area" requirement in the Table of Dimensional and Density Regulations in Section VI is described in Footnote 21 to the Table."

- (2) Amend Footnote 21 to the Table of Dimensional and Density Regulations in Section VI.B, as shown below:

~~"21. When calculating the maximum floor area, the following shall apply~~

- a. ~~Open sun decks shall not be calculated towards floor area~~ ***The calculation of Maximum Floor Area shall not include cellars, basements, garages, areas under awnings, covered entry landings, decks, or accessory buildings as defined in the Massachusetts Building Code and this Bylaw, whether or not said areas are designed or used for human occupancy. Attics are also excluded from the calculation of Maximum Floor Area, unless they are designed or used for human occupancy.***
- b. ~~In the case of rooms";~~

or to make any other changes relative thereto.

**Requested By: Planning Board
Board of Selectmen Recommend: 5 – 0**

As the Planning and Building Department staff work with the Zoning Bylaw and apply it to real world situations, they occasionally discover ambiguities, omissions or inadequacies in the language. The Planning Board's Miscellaneous zoning article seeks to rectify these non-substantive issues.

This year, at the request of the Building Department, the Board proposes to modify the definition of "Floor Area" (FAR), which was added to the Zoning Bylaw in 1992 as a tool for managing the size of houses that could be built in the RRB District (encompassing Great Neck). Under the existing Zoning Bylaw, floor area calculations are determined using ambiguous language in both the Definitions section and footnote 21 of the Table of Dimensional and Density Regulations. The proposed modification will remove the existing ambiguity and clarify how maximum floor area is calculated, consistent with the Building Department's current interpretation, the Massachusetts Building Code, and the opinion of Town Counsel. Specifically, attics would be included in floor area only if they are designed or used for human occupancy, and finished basements would only count if more than 50% of the exterior walls are above grade. Floor area would NOT

include garages, decks, accessory buildings, areas under awnings, basements or covered entry landings. This requires a 2/3 majority vote.

Article Ten – Amend Delinquent Taxes/Fees

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

To see if the Town will vote to amend Town By-law “Chapter 315. Licenses: Revocation or Suspension for Nonpayment of Taxes or Assessments” by adding “and may periodically,” after the word “annually” and by deleting the words “for not less than a twelve month period” in the first sentence of §315-1, so that it reads as follows:

The Tax Collector shall annually, ***and may periodically***, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals or transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, including amounts assessed under the provisions of MGL c.40 section 21D, ~~for not less than a twelve month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or pending petition before the appellate tax board.

or take any action relative thereto.

Requested By: Town Treasurer/Collector
Board of Selectmen Recommend: 5 – 0

Summary: At the 1986 ATM, Ipswich voters accepted Chapter 40, Section 57 which allowed the denial, revocation or suspension of local licenses and permits for anyone that was at least twelve months delinquent on municipal taxes or charges. In the Municipal Modernization Act, which was enacted last year, taxpayers need to be in good standing rather than being delinquent over twelve months to deny, revoke or suspend local licenses or permits. This requires a simple majority vote.

Article Eleven – Revolving Fund for Electric Vehicle Charger Fees

To see if the Town will vote to amend Article XVI: DEPARTMENTAL REVOLVING FUNDS of the Town’s General Bylaws by inserting the following language under subsection 15-29 Authorized Revolving Funds:

J. EV Revolving Fund: funds derived from Electrical Vehicle Charging stations, to be expended by the Director of Public Works, for costs associated with the operation, maintenance and expansion of EV stations in Fiscal Year 2019 and subsequent years.

Or take any action relative thereto.

Requested by: Town Manager
Board of Selectmen Recommend: 5 – 0

Summary: The Town installed its first EV station in 2017. There are costs associated with operation of EV stations: electricity, software, and ongoing maintenance and repair. The Town proposes to use funds generated from EV stations to offset these costs and include the possibility of expanding EVs through this fund, as well. This requires a simple majority vote.

Article Twelve – Revolving Fund for Health Insurance Reimbursement

To see if the Town will vote to amend Article XVI: DEPARTMENTAL REVOLVING FUNDS of the Town’s General Bylaws by inserting the following language under subsection 15-29 Authorized Revolving Funds:

K. Health Reimbursement Account (HRA) Fund, funds derived from Health Plan Redesign Savings negotiated with the Public Employee Committee (PEC), to be expended by the Human Resources Director in Fiscal Year 2018 and subsequent years, and to transfer the following sums from the FY18 budget into the HRA:

From the FY2018 water department budget the sum of \$2,650.83; from the FY2018 wastewater budget the sum of \$1,323.09; from the FY2018 school budget - \$60,607.19; and from the FY2018 Municipal/Benefits and Other budget the sum of \$27,762.88,

Or take any action relative thereto.

**Requested By: Finance Director
Board of Selectmen Recommend: 5 – 0**

Summary: The town negotiated reductions in health care costs, benefitting both the town and the employees. The employees' share of these savings is \$97,443, including \$5,099.02 within electric department. These will be placed in the revolving fund and administered by a third party to reimburse applicable employee health expenses as negotiated. This requires a simple majority vote.

Article Thirteen – Adoption of MGL c. 90 § 17C – Speed Limits

To see if the Town will vote to adopt Chapter 90, section 17C of the Massachusetts General Laws, providing for a uniform speed limit of 25 miles per hour on those streets determined to be thickly settled, or take any action relative thereto.

Summary: This is a new provision under the Municipal Modernization Act giving the town the authority to establish a uniform speed limit on all public ways within a thickly settled area or business district, except in those areas where special speed limits have been established. Signs would be installed at town borders notifying motorist that the speed limit is 25 MPH unless otherwise posted. Advantages would be that speed limits are presumed to be 25 MPH unless otherwise posted and a reduction in number of signs. The town would still have to seek MassDOT approval for any changes in previously approved posted speed signs. This requires a simple majority vote.

**Requested by: Police Chief
Board of Selectmen Recommend: 5 – 0**

Article Fourteen – Snow and Ice Emergency Parking Ban Bylaw

To see if the Town will vote to amend the General Bylaws of the Town of Ipswich by adding a new Article XII to Chapter 197 (“Streets and Sidewalks”) as follows:

Article 12: Snow/Ice Emergency Street Parking Ban

§ 197-42. The purpose of the emergency parking ban shall be to provide for the safe movement of police, fire and emergency medical service vehicles during snow and ice storms and otherwise provide for public safety during winter weather conditions. The parking ban shall also serve to enhance the capability of the public works department to effectively and efficiently remove snow and ice from the roadways.

§ 197-43. The parking ban shall be implemented in a manner that provides for public safety while inconveniencing the smallest number of residents for the shortest possible time.

§ 197-44 Emergency declaration of the parking ban.

Snow/ice emergencies shall automatically be enacted upon occurrence of the following and be reaffirmed by a declaration by the director of public works:

- (1) Snow or freezing rain has fallen, or is imminent.

(2) National and/or local television and/or radio stations are predicting a snow or ice storm.

§ 197-45. Duration of emergency parking ban.

The parking ban shall remain in effect for a minimum of forty eight (48) hours. The Director of Public Works shall consult with the police chief, fire chief or their designees before the ban is rescinded.

§ 197-46. Ticketing and towing pursuant to parking ban.

The chief of police shall develop procedures which insure that motor vehicles are not ticketed and/or towed unreasonably during the emergency ban.

(1) Parking shall be prohibited on all town streets for the duration of the parking ban.

(2) Vehicles parked in residential areas shall be subject to ticketing and/or towing at 8:00 p.m. to 7:00 a.m, vehicles parked in business areas shall be subject to ticketing and/or towing at 10:00 p.m. to 7:00 a.m. In severe storms, blizzards, or other occasions, parking may be restricted on all public streets twenty-four (24) hours a day.

(3) Winter parking ban violators shall be charged a fine of fifty dollars (\$50.00).

§ 197-47. Notification of public parking ban.

Announcements of the snow emergencies shall be made by as many ways possible, some of which may be by the Town website, local radio stations, local newspapers, and or on cable television stations. Announcements that the snow emergency has ended will be made by the same means.

The Town will have a telephone number available, that may be called twenty-four (24) hours per day, with a recorded message that informs callers of the status of the snow emergency.

§ 197-48. Town owned and maintained parking lots

Twenty-four (24) hours after the snow emergency on town streets is lifted, a twenty-four (24) hour parking ban may be declared by the Director of Public Works in town owned and maintained parking lots for proper snow and ice removal.

1. Notification of this ban shall be designated by a blue light located at the lot entrance.

2. Failure to remove a vehicle from a town owned or maintained parking lot while a parking ban is in effect will result in a \$50.00 dollar fine and the vehicle will be towed at the owner's expense.

3. Not all street snow emergencies will result in parking lot emergencies.

Or take any action relative thereto.

Requested By: Police Chief
Board of Selectmen Recommend: 4 – 1

Summary: Presently, no on-street parking is allowed during winter months, except in cases where the Board of Selectmen determine a hardship. This bylaw would remove that restriction, by allowing on-street parking year-round, except during winter snow emergencies. During a winter snow emergency, all on-street parking would be banned (as it is now, even for permitted cars) and vehicles would be allowed to park in municipal lots until streets are cleared. Once streets are cleared, vehicles in municipal lots would be required to vacate those lots – and could park on the streets – while municipal lots are cleared of snow. The bylaw provides for notification and warning processes. This is now common practice in area communities. This requires a simple majority vote.

Article Fifteen – Agricultural Commission Membership

To see if the Town will vote to revise the second paragraph of Article 13 as adopted by the 2005 Special Town Meeting, as follows: (~~strikethrough~~ = language to be deleted; ***bold italics*** = language to be added)

“The Commission shall consist of ~~seven~~ ***five*** members from the active farming and agriculture community in Ipswich, to be appointed by the Board of Selectmen – ~~three~~ ***two*** members for a term of three years, two members for a term of two years, and for three years thereafter, and ~~two~~ ***one*** members for a term of one year, and for three years thereafter. Up to ~~five~~ ***three*** alternates may also be appointed by the Board of Selectmen, each for one-year terms...”; or to take any other action relative thereto.

**Requested By: Ipswich Agricultural Commission
Board of Selectmen Recommend: 5 – 0**

Summary: This article would reduce the number of full members on the Ipswich Agricultural Commission from seven to five, and the number of alternate members from five to three. The Commission is recommending this change because it's proven difficult, on a monthly basis, to meet the quorum requirement. As a result, there have been several occasions when the Commission has been unable to meet due to failure to attain the required four member quorum.

We believe that this revision would make it easier for the Commission to achieve the required quorum (three members), and thus allow us to perform our duties more effectively. As such, the Commission voted, at its meeting of November 9, 2016, to request that the Board of Selectmen place this article on the warrant for the Annual Town Meeting, to be held on May 9, 2017.

Massachusetts General Law, in Chapter 40, Section 8, authorizes the establishment of local Agricultural Commissions, and specifies that the membership shall consist of not less than three or more than seven members. As such, changing the full membership requirement for our Commission from seven to five as we have recommended would comply with the state statute. This requires a simple majority vote.

Article Sixteen – Compensated Absences Reserve Fund

To see if the town will vote accept the provisions of Mass General Law Ch. 40 Section 13D in order to create a Reserve Fund for Compensated Absences, or take any action relative thereto.

**Requested By: Finance Director
Board of Selectmen Recommend: 5 – 0**

Summary: MGL Ch. 40 Sect. 13D allows a city or town to create a Reserve Fund for future payment of Accrued Liabilities for Compensated Absences due to employee or town officer upon termination of employment. As of June 30, 2016 the general fund liability was \$999,898. The paid sick and vacation time to employees upon termination or retirement currently is paid from the department salaries budget. It has a strong impact on the department budgets. Creating a separate reserve would offset the impact to departments. The reserve could be funded over many years. At this time, no funding is being requested. This requires a simple majority vote.

Article Seventeen – Re-Adopt OPEB

To see if the town will adopt MGL Chapter 32B, Section 20, as amended, to create an OPEB (Other Post-Employment Liability Trust Fund, and that will comply with both the legal requirements of trust funds and with the Government Accounting Standards Board, or take any action relative thereto.

Summary: The Town of Ipswich accepted MGL Ch. 32B Sect.20 in 2012, however the Municipal Modernization Act passed by the state legislature amended MGL 32B Section 20, Other Post Employment Liability Trust Fund. The new sections of the law permit towns to establish an OPEB trust fund that complies with the legal requirements for trusts and now with GASB (Government Accounting Standards Board) standards. This article is necessary to clarify current language, which only authorizes a reserve/stabilization fund for retiree health insurance purposes, but does not stipulate that it meet GASB standards. This requires a simple majority vote.

**Requested By: Finance Director
Board of Selectmen Recommend: 5 – 0**

Article Eighteen – Special Education Reserve Fund

To see if the Town will vote to establish, pursuant to M.G.L. Chapter 40, section 13E, a Special Education Reserve Fund, for expenses related to providing special education, or take any other action related thereto.

Summary: This recently adopted law enables municipal and regional districts to establish a reserve fund that can be used in future years for unanticipated or unbudgeted costs of special education, out of district tuition or transportation. The school department wishes to establish such a fund. The balance in the reserve fund shall not exceed 2% of the annual net school spending of the district. This requires a simple majority vote.

**Requested By: School Department
Board of Selectmen Recommend: 5 – 0**

Article Nineteen – Charter Amendment Section 6. Town Manager

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

To see if the Town will vote to amend Section 6. Town Manager of the Town Charter as follows:

The Board of Selectmen shall appoint, ~~as soon as practicable,~~ for ***an initial*** term of three years, a Town Manager, who shall be a person especially fitted by education, training and experience to perform the duties of the office. The Town Manager shall be appointed without regard to his/her political beliefs. ***The Board of Selectmen may reappoint an incumbent Town Manager for successive terms of office of three to five years as they may deem in the best interests of the Town.*** ~~He/She~~***The Town Manager*** need not be a resident of the Town or of the Commonwealth when appointed ***or during his/her initial term*** but, ***if reappointed,*** ~~shall be a resident of the Town during his term of office~~ shall be required to reside in Ipswich within twelve months of beginning his/her second term of office and throughout all successive terms of office. ~~He/She may be appointed for successive terms of office of three to five years.~~ Before entering upon the duties of his/her office, the Town Manager shall be sworn to the faithful and impartial performance thereof by the Chairman of the Selectmen, or by the Town Clerk, or by a justice of the peace. ~~He/She~~ ***The Town Manager*** shall execute a bond in favor of the Town for the faithful performance of his/her duties in such sum and with such surety or sureties as may be fixed or approved by the Selectmen.

Or take any action relative thereto.

**Requested By: Government Study Committee
Board of Selectmen Recommend: 4 – 1**

Summary: The changes in Section 6 of the Charter are recommended by the Government Study Committee and the Board of Selectmen to expand the pool of candidates during recruitment and hiring of the town manager. Relocation, housing costs and availability of housing pose a significant challenge to potential candidates, especially those with younger families. By providing a transitional period and allowing for an expansion of successive terms, the Board believes this will benefit both the Town and future town managers in recruiting and retaining qualified town managers. This requires a 2/3 majority vote.

Article Twenty – Layout of Linebrook Road

To see if the Town will vote to (a) approve the modification of the layout of Linebrook Road as shown on the plan entitled “Linebrook Road Improvement Project, Our Lady of Hope Permanent Easement” by New England Civil Engineering Corp, Sheet C-33B, dated July 10, 2017, so as to include approximately 520 square feet of land shown on the said plan as “permanent easement, and (b) authorize the Board of Selectmen to acquire an interest in said parcel for public way purposes, by purchase, gift, lease, eminent domain, or otherwise, and appropriate a sum of money therefor, or take any other action relative thereto.

Requested By: Dept. of Public Works
Recommendation to be Provided at Town Meeting by the Board of Selectmen

Summary: This article allows the Town to incorporate a narrow strip of land, approximately 520 square feet in total, into the layout of Linebrook Road, so that it will include a small section of the new sidewalk constructed on the south side of Linebrook Road that did not fit within the existing layout. The land is currently owned by the Roman Catholic Archbishop of Boston and is part of the Our Lady of Good Hope Church. At the time of the printing of this warrant, the Town and the Church were in negotiations regarding the property. This requires a 2/3 majority vote.

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 eighteenth Day of September in the year of our Lord, Two Thousand and Seventeen.

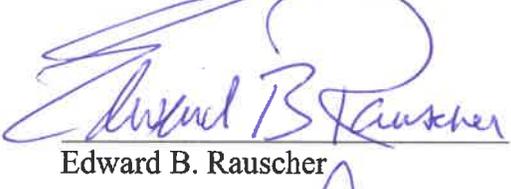
TOWN OF IPSWICH
BOARD OF SELECTMEN



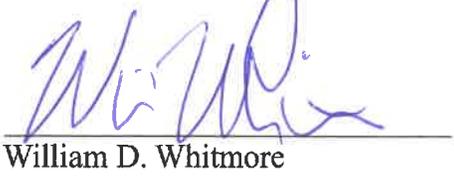
William M Craft – Chair



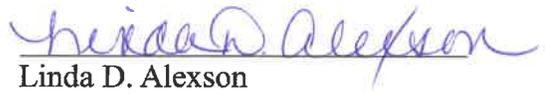
Nishan D. Mootafian – Vice Chair



Edward B. Rauscher



William D. Whitmore



Linda D. Alexson