

Commonwealth of Massachusetts

Town of Ipswich

Warrant for **Special** Town Meeting

October 17, 2020

Time – 9:00 am



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 in the IPSWICH MIDDLE SCHOOL/HIGH SCHOOL, 134 High Street in said Ipswich, on October 17, 2020 at 9:00 o'clock in the morning, then and there to act on the following articles, *viz:*

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Article #	Title	Submitted By
1	Stabilization Funding	Select Board
2	Capital Plan	Select Board
3	Amend FY21 School Budget Funding	School Committee
4	Planning – Adult Use Marijuana	Planning Board
5	Planning – Registered Marijuana Dispensaries (RMD’S)	Planning Board
6	Planning – Clarification Amendment	Planning Board
7	Planning - Energy Efficiency Related Zoning Changes	Planning Board
8	Pineswamp Road Land Purchase – Proposed Public Safety Building Location	Select Board
9	Public Safety Building Design Funds	Select Board
10	Gov’t Study Committee – Waterways Committee Article	Gov’t Study Committee
11	Amend Chapter 138 – Demolition Review	Historical Commission
12	Amend Chapter 109 – Animals	Select Board
13	Water Department Main Replacement	Select Board as Water Commissioners
14	Sewer Easements required for Wastewater Infrastructure Work	Select Board as Sewer Commissioners
15	Kamon Farm Land Purchase on Pineswamp Road	Open Space
16	Citizen Petition – Implementation of Water Use Mitigation Plan	James McCarthy
17	Citizen Petition – Two-year Building Permit Moratorium	Robert Richter
18	Citizen Petition – Remove Inclusionary Housing Payment-in-Lieu-of Option for non-fractional Affordable Housing Units	Christopher Florio

Under the Americans with Disability Act, the Town of Ipswich will make every effort to assure that Town Meeting is accessible to individuals with disabilities. Should any assistance be desired in this regard, please contact the Select Boards Office at (978) 356-6604.

ARTICLE 1 – Stabilization Funding

Submitted by: Select Board

To see if the Town will vote to transfer the sum of \$100,000 from Free Cash to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 2 – Capital Plan

Submitted by: Select Board and School Committee

To see if the Town will vote to transfer from Free Cash the sum of \$460,590 for the following purposes, and that any remaining funds be transferred to the Capital Stabilization Fund:

SCHOOLS:

Flooring & Carpet (District)	\$24,000
Interior Exterior Painting (District)	\$15,000
HVAC – Advance Control Sequencing (MS/HS)	\$46,000
Paint MS/HS Interior & Exterior	\$20,000
Locker Room	\$80,000

BUILDINGS:

DPW Garage Remodel Break Rm/Bathroom	\$15,000
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EQUIPMENT:

PW-58 Backhoe	\$136,090
FY25 E1 Truck Replacement Matching Funds	\$50,000
Fire Pick Up Truck (Replacement)	\$34,500
Administrative Vehicle – Police XO	\$40,000

Or to take any action relative thereto.

ARTICLE 3 – Amend FY21 School Budget

Submitted by: School Committee

To see if the Town will vote to amend Article 4 of the June 27, 2020 Annual Town Meeting to the following: To transfer \$125,000 from the Overlay Surplus account; to transfer \$1,169,589 from the Education Stabilization Fund; and to raise and appropriate the sum of \$30,724,488 for a total of \$32,019,077 to fund the FY2021 School Budget

ARTICLE 4 - Adult Use Marijuana

Submitted by: Planning Board

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

1. Amend Section III. DEFINITIONS as follows:

Insert the following definitions in the correct alphabetical order:

“Cannabis Cultivation: *The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not exempt from zoning. Note this term is not defined in 935 CMR 500.*

Marijuana or Marihuana or Cannabis: *All parts of any plant of the genus Cannabis, not exempted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant; its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, subsection 1; provided that cannabis shall not include:*

- (a) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;*
- (b) Hemp; or*
- (c) The weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.*

Marijuana or Cannabis Products: *Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.*

Marijuana Establishment Ceases to Operate: *Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.*

Cannabis Control Commission: *The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, subsection 76, or its designee. The Commission has the authority to implement the state marijuana laws, which include but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G and 935 CMR 500.000.*

Community Marijuana Establishment Host Agreement: *An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and up to a 3% host agreement revenue sharing. Note that this term is not defined in 935 CMR 500.*

Craft Marijuana Cooperative: *A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments but not to consumers.*

Hemp: *The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of*

the plant of the genus Cannabis, or per volume weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Marijuana Establishment Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:

- (a) Accredited to the International Organization for Standardization 17025 (ISO.IEC 17025:2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;*
- (b) Independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and*
- (c) Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, subsection 34.*

Marijuana Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Marijuana Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

Marijuana Microbusiness: A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments

and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers, and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers.

Marijuana Transporters may be an existing Licensee Transporter or Third Party Transporter.

Marijuana Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

2. Modify Table of Uses as shown below:

TABLE OF USE REGULATIONS (continued)										
PRINCIPAL USE	DISTRICT									
Commercial (continued)	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Solar Energy Collection Apparatus	SPB ¹⁷ _{,36}	P ¹⁷ ₃₆	SPB ¹⁷ _{,36}							
<i>Craft Marijuana Cooperative</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Cultivator</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Product Manufacturer</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Retailer</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Independent Testing Laboratory</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Retail marijuana establishment</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Microbusiness</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Research Facility</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰

TABLE OF USE REGULATIONS (continued)											
<i>Marijuana Transporter</i>	-	-	-	-	-	-	-	-	<i>SPB⁴⁰</i>	-	<i>SPB⁴⁰</i>
<i>Any type of licensed marijuana-related business not included in this Table, except retail sales and a registered marijuana dispensary</i>	-	-	-	-	-	-	-	-	<i>SPB⁴⁰</i>	-	<i>SPB⁴⁰</i>

And add a footnote, #40, to the Table of Uses, which reads:

40. Subject to the requirements of IX.T of this zoning bylaw.

1. Add Section T: Adult-use Marijuana Establishments

1. Purpose:

Ipswich recognizes that the nature of the substance cultivated, processed, and/or sold by Marijuana Establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety and general wellbeing of the public. Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 105 CMR 725.000, Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation and product manufacturing for non-medical adult marijuana use in a manner that complies with state regulations. This subsection shall in no way authorize retail sales of adult use marijuana, which is prohibited in Ipswich.

2. Applicability

Nothing in this section shall be construed to supersede federal and state laws governing the distribution of marijuana. Adult use marijuana retail sales are expressly prohibited in Ipswich. This section shall not be construed to prevent conversion of a registered marijuana dispensary licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such Registered Marijuana Dispensary obtains a special permit pursuant to this section for any such conversion to an adult use Marijuana Establishment.

This section does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

3. Additional Requirements and Conditions

In addition to the standard requirements for uses permitted by right or requiring a special permit or site plan approval, the following requirements and conditions shall also apply to all Marijuana Establishments:

a. Use:

- i. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.*
- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.*
- iii. The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Establishment be open to the public, and no distribution of marijuana shall occur upon the premises or via delivery from the premise between the hours of 8:00 p.m. and 8:00 a.m.*
- iv. No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including but not limited to its Final License from the Cannabis Control Commission.*

b. Physical Requirements

- i. All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure without express Planning Board approval.*
- ii. No outside storage is permitted.*
- iii. Ventilation: all Marijuana Establishments shall be ventilated in such a manner that (a) no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and (b) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment.*
- iv. Sign(s) shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text at least 2 inches in height. All other signs must comply with all other applicable regulations in this Zoning Bylaw and 935 CMR 500.*
- v. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.*
- vi. Marijuana Establishments shall be contained within buildings or structures having a gross floor area of not less than five thousand (5,000) sq. ft. and not more than twenty-five thousand (25,000) square feet.*

c. Location:

- i. No Marijuana Establishment shall be located on a parcel that is within seven hundred and fifty (750) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where*

the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12, or another Marijuana Establishment.

- ii. No Marijuana Establishment shall be located inside a building containing residential uses, including commercial residential uses such as hotels, motels, lodging houses, dormitories, etc.*
- iii. No marijuana establishment is permitted to utilize or provide a drive-through service.*

d. Reporting Requirements:

- i. Prior to the commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Public Health Department, Police Department, Fire Department, Building Inspector and Planning Board with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the facility. All such contact information shall be updated as needed to keep it current and accurate.*
- ii. The local Building Inspector, Public Health Department, Police Department, Fire Department and Planning Board shall be notified in writing by the Marijuana Establishment owner, operator or manager a minimum of 30 days prior to any change in ownership or management of the establishment and a minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.*
- iii. Marijuana Establishments shall file an annual written report to the Planning Board and Town Clerk no later than January 31 of each calendar year, providing a copy of all current applicable state licenses for the establishment and/or its owners, demonstrating continued compliance with the conditions of the special permit.*
- iv. The owners or manager of a Marijuana Establishment is required to respond by phone or email within 24 hours of contact by a Town official concerning their establishment at the phone number or email address provided to the Town as the contact for the establishment.*

e. Issuance/Transfer/Discontinuance of Use

- i. Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment owner.*
- ii. Special Permits/Site Plan Review Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.*
- iii. Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or to another site/parcel.*
- iv. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment and shall lapse/expire if: (a) the Marijuana Establishment ceases operation for 365 days, and/or (b) the Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.*
- v. The Marijuana Establishment shall notify the Building Inspector and Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.*

- vi. *A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.*
- vii. *Prior to the issuance of a building permit for a Marijuana Establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the Town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of authorizing such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days' written notice, said bond shall be returned to the applicant.*

4. Application Requirements

In addition to the standard application requirements for special permits and site plan review, applications for a Marijuana Establishment shall include the following:

- a. *The name and address of each owner and operator of the Marijuana Establishment.*
- b. *A copy of approved Host Agreement, if one exists.*
- c. *A copy of the Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.*
- d. *If the Marijuana Establishment will operate in conjunction with an approved RMD, a copy of the registration as an RMD from the Massachusetts Department of Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.*
- e. *Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.*
- f. *Evidence that the applicant has site control and a right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sale agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.*
- g. *A notarized statement signed by the Marijuana Establishment's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons.*
- h. *In addition to what is normally required in a site plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.*
- i. *A detailed floor plan identifying the areas available and functional uses, including floor area dimensions in square feet.*
- j. *All signs proposed for the facility.*
- k. *A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times to ensure that movement of pedestrian and/or vehicular traffic, including but not limited to, along the public rights of way will not be unreasonably obstructed.*
- l. *An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administration of odor control including maintenance of such controls.*

- m. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to Marijuana Establishments or off-site direct delivery.*
- n. Individual written plans, which, at a minimum, comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's:*
 - i. Operating procedures*
 - ii. Marketing and advertising*
 - iii. Waste disposal*
 - iv. Transportation and delivery of marijuana or marijuana products*
 - v. Energy efficiency and conservation*
 - vi. Security and alarms*
 - vii. Decommissioning of the marijuana establishment including a cost estimate taking into consideration the Town's cost to undertake the decommissioning of the site.*

2. Findings

In addition to the standard Findings for a Special Permit or Site Plan Approval, the Planning Board must also find all of the following in order to grant an approval for a Marijuana Establishment:

- a. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.*
- b. The Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.*
- c. The Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.*
- d. The applicant has satisfied all of the conditions and requirements of this Section and other applicable sections of the Zoning Bylaw.*
- e. The Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on site or via delivery.*
- f. The Marijuana Establishment adequately addresses issues of traffic demand, circulation, and parking, particularly at peak periods, to minimize potential impacts to neighboring uses.*

...or take any other action relative thereto.”

Summary: Special Town Meeting, in October, 2019, approved a General Bylaw change to allow for recreational (also referred to as “adult use”) marijuana establishments in Ipswich, with the exception of retail. Currently, there are no zoning regulations to address recreational marijuana establishments in Ipswich. The current Zoning Bylaw allows with conditions registered medical marijuana dispensaries and should be modified to also allow for and regulate the allowable recreational marijuana establishments. Absent zoning regulations, the permissible recreational marijuana establishments would fall under enclosed manufacturing, which is allowed in the PC and LI districts (Route 1) and by special permit in other industrial zones. This article would only allow recreational marijuana establishments where registered marijuana dispensaries are currently permitted, within the PC and LI districts on Route 1.

ARTICLE 5 - Registered Marijuana Dispensaries (RMDs)

Submitted by: Planning Board

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

Proposed Amendment:

Planning Staff proposes modifications to Zoning Bylaw as follows:

Amend Section IX.R. Registered Marijuana Dispensaries (RMDs), subsection 4, General Requirements and Conditions for all RMDs, as follows:

“4. General Requirements and Conditions for all RMDs

- a. All RMDs shall be contained within a building or structure having a gross floor area of not less than ~~one~~ ***five*** thousand (~~±~~***5***,000) square feet (s.f.) or more than twenty-~~five~~ ***five*** thousand (20***5***,000) s.f....
- h. No marijuana establishment is permitted to utilize or provide a drive-through service.***
- i. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.***
- j. All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure without express Planning Board approval.***
- k. No outside storage is permitted.***
- l. Ventilation: all Marijuana Establishments shall be ventilated in such a manner that (a) no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and (b) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment.***

...or take any other action relative thereto.”

Summary: As the Planning Board and Staff reviewed potential zoning regulations for Marijuana Establishments, it became apparent that the Town’s existing Registered Marijuana Dispensary (RMD) regulations should be expanded and they should be fairly consistent with the proposed Marijuana Establishment regulations. Accordingly, this article proposes to prohibit drive through services, restrict views of operations and materials from the outside, prohibit outside storage, and regulate for proper ventilation and odor management. The article also proposes to make the minimum and maximum size of Registered Marijuana Dispensaries consistent with the minimum and maximum size proposed under the Marijuana Establishment article.

This article is a zoning amendment and would require a 2/3 majority.

ARTICLE 6 - Clarification Amendment

Submitted by: Planning Board

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

“Use, Residential Mixed: A building which contains two or more principal uses, at least one of which is residential, and at least one of which is non-residential and located on the ground floor. ***The principal uses in a Residential Mixed Use building shall be subject to all applicable regulations and conditions in this Zoning Bylaw for those individual uses, including the Dimensional and Density Regulations in Section VI, if this use is not specifically mentioned in Section VI.***

Multi-family Residential Development: A lot which contains or has built upon it: (a) ***one or more residential mixed-use buildings***; (b) one or more multi-family dwellings; (~~bc~~) one or more multi-family dwellings and one or more single or two-family dwellings, provided that the single family dwellings constitute no more than 25% of the total units in the residential development, or (~~ed~~) two (2) or more two-family dwellings.

...or to take any other action relative thereto.”

Summary: In the fall of 2016 Town Meeting adopted a new definition for “Use, Residential Mixed” and added this use to the Table of Uses in Section V of the Zoning Bylaw. The intent of this change was to make it explicit that mixed use (residential plus an allowable non-residential use) is permitted in certain zoning districts. “Use, Residential Mixed” is unintentionally omitted from the list of residential uses called out in the Table of Dimensional and Density Regulations, however. Accordingly, this article would clarify the definition of the “Use, Residential Mixed” to make it clear that this use should not be considered as “all other permitted uses” in the Table of Dimensional and Density Regulations.

ARTICLE 7: Energy Efficiency Related Zoning Changes

Submitted by: Planning Board

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

1. Amend Section I, Purpose, as follows:

I. Purpose

This bylaw is enacted for the following purposes: to lessen congestion in the streets; ...; to encourage efficient use and conservation of energy, ***and to aggressively reduce the use of fossil fuels and actively adopt renewable energy sources***; to conserve the value of land and buildings including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land ***and most beneficial development practices*** throughout the town, It is made with reasonable consideration to the outstanding characteristics and unique position that Ipswich holds in the

historical background of the Country, *its unique and critical coastal features*, and the character of each district and to its peculiar suitability for particular uses; in accordance with the General Laws of the Commonwealth of Massachusetts, Chapter 40A, and any amendments thereto.

2. Amend Section III, Definitions, as follows (insert new definition in the appropriate alphabetical order.)

III. Definitions

Net Zero Ready Building: A building that 1) has no on-site combustion for any purpose, including HVAC system operation, water heating, and cooking equipment (all electric systems), 2) has a solar-ready roof with appropriate orientation to capture solar radiation, and 3) is wired for EV charging.

3. Amend Section IV, Dimensional and Density Regulations, as follows:

A. Amend subsection G.1 as follows:

VI. Dimensional and Density Regulations

G.1. Nothing herein shall prevent the projection of cornices, pediments, or eaves not exceeding twenty-four (24) inches, or of uncovered steps, chimneys, paving's, ~~or~~ windowsills, ***or heat pumps*** into any required setback or other open space, ***except that heat pumps cannot be located within 10' of the window of a residence on an abutting property.***

B. Insert a new subsection G.2 as follows and renumber the existing subsections accordingly.

G.2. A required setback for an existing building may be reduced up to one (1) foot if required for the installation of a super-insulated exterior envelope of the building as an energy conservation measure in new construction or existing buildings.

4. Amend the Footnotes to the Table of Dimensional and Density Regulations as follows:

VI. Footnotes to Table of Density and Dimensional Regulations

25. If a residential development obtains a special permit, waiver or other local approval that increases the density or intensity of use beyond what is otherwise allowed by the Table of Uses, said development shall conform to Section IX.I.2.b, ***and dwellings in the development must be Net Zero Ready Buildings.***"

Summary: This article is important for the Town to achieve its goal to reduce Green House Gases (GHGs). The goal was included in the Community Development Plan as amended in 2008, and in the goals and work plan of the Ipswich Electric Light Department (ELD) for 2021. The proposed changes would reduce GHG emissions from new construction and increase electrification of those homes as a way to curb overall GHG pollution. Another purpose of the proposal is to allow residents flexibility to have certain energy efficiency improvements protrude into building set-backs. All the proposed changes are relevant modifications to existing sections of the zoning by-law, and all are designed to achieve a similar purpose – to increase energy efficiency and reduce GHG emissions.

ARTICLE 8 – Purchase of Land for Site of Proposed Public Safety Building

Submitted by: Select Board

To see if the Town will vote:

- (1) to appropriate the sum of \$630,000 to purchase land located at 4 Pine Swamp Road, Ipswich MA, consisting of eight (8) acres, more or less, and listed on the Assessors' Maps as Map 30D, Block 135, Lot 0, to serve as the site of the proposed public safety building, including the payment of all costs incidental and related thereto; and
- (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or
- (3) to take any other action relative thereto.

Summary:

This article will authorize the Treasurer to borrow the sum of \$630,000 to purchase land located at 4 Pine Swamp Road to serve as the site of the proposed public safety building.

ARTICLE 9 – Design of Proposed Public Safety Building

Submitted by: Select Board

To see if the Town will vote:

- (1) to appropriate the sum of \$2,250,000 to pay costs of designing the proposed public safety building, to include a portion of such costs incurred through bidding, but not construction administration, of architectural and engineering fees, supplemental service fees for geotechnical surveys, energy modeling, permitting, prequalification, traffic engineering, communications design, and all other costs incidental and related thereto; and
- (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or
- (3) to take any other action relative thereto.

Summary:

This article will authorize the Treasurer to borrow the sum of \$2,250,000 to pay costs of designing the proposed public safety building. .

ARTICLE 10 – Amendments to Chapter 118 Boats and Waterways

Submitted by: Gov't Study Committee

To see if the Town will amend Chapter 118 Boats and Waterways of the General Bylaws of the Town of Ipswich as follows: (Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.)

Article III Waterways Advisory Committee, Sub Section 118-9 Appointment and Charge

The Select Board Shall appoint the Waterways Advisory Committee. The Select Board shall determine the Waterways Advisory Committee composition and charge to include advising the Select Board, Harbormaster and the Town related to regulations, planning, development, and management associated with town navigable and tidal waterways, town wharf, and public landings. The Harbormaster is an ex-officio non-voting member of the Waterways Advisory Committee and shall be appointed by the Town Manager. All activities and recommendations of the Waterways Advisory Committee shall respect Ipswich long term planning and priorities.

Summary: The Select Board asked the Government Study Committee (GSC) in 2016 to make recommendations on the Waterways Advisory Committee appointment and charge, and waterways regulations process. The Select Board asked the GSC and Waterways Advisory Committee in 2019 to recommend a warrant article for the May 2020 Annual Town Meeting, This clarifying bylaw amendment is intended to resolve years of inconsistent practices. If approved by the October 17, 2020 Special Town Meeting, this bylaw amendment will be followed by a May 2021 Annual Town Meeting Warrant article proposal to remove current bylaws on waterways, boating, Town Wharf and public landings that are duplicated in, conflict with or should be incorporated into the Rules and Regulations of the Waterways that can be found on the Harbormaster web site. This would also clarify Ipswich will have only one place for Waterways regulations not two. The proposed May 2021 Annual Town Meeting Waterways article will also include the approval authority of Waterways regulations.

ARTICLE 11 – Amend Chapter 138 – Demolition Review

Submitted by: Historical Commission

To see if the Town will amend the provisions of Chapter 138 of the General Bylaws as set forth below, or make other changes to any provision of Chapter 138 (Demolition Review)

[Note: ~~strike through~~ = language to be deleted ***bold italics*** = new language]

**Chapter 138
Demolition Review**

§ 138-1 Intent and purpose.

The purpose of this chapter is the preservation and protection of significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the Town; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish them; and by furthering these purposes, to promote the public welfare, to protect the resources of the Town, and to preserve the Town as an attractive and desirable place in which to live. To achieve these purposes, the Ipswich Historical Commission (the "Commission") is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this bylaw.

§ 138-2 Definitions.

- A. Building - as defined in "SECTION III." of The Protective Zoning Bylaw of the Town of Ipswich.
- B. Demolition - any act of pulling down, destroying, removing, or razing a building, or any substantial exterior portion thereof, or commencing the work of total or substantial destruction, with the intent of completing the same.
- C. Significant Building - any building or portion thereof which:
 - (1) Is in whole or in part ~~75 or more years old~~ **constructed prior to 1915; or**
 - (2) Is listed on, or is within an area listed on, the National Register of Historical Places, or is the subject of a pending application for listing on said National Register; **or**
 - (3) Is protected by a Preservation Agreement with the Commission or the Heritage Trust; ~~or~~
 - (4) **And is** determined by a majority of the Commission **at a public meeting** to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect, or builder, or other historically significant person, event or process either by itself or in the context of a group of buildings. ~~The Commission shall make such a determination within 10 days of receiving a request, in hand or by certified mail, from the Building Inspector.~~
- ~~(5)~~D. Preferably-Preserved Significant Building - any ~~s~~Significant ~~b~~Building which the Commission determines, **after a Public Hearing** as provided in § 138-3, is in the public interest to be preserved or rehabilitated, rather than to be demolished.
- ~~(6)~~E. Commission – the Ipswich Historical Commission.

§ 138-3 Procedure.

- A. Upon receipt of an application for a demolition permit, the Building Inspector shall date-stamp the application and forward a copy to the ~~Chairman~~ of the Commission **and the Planning Director** within four **(4) business** days. No demolition permit shall be issued at that time.
- B. The **Chair of the** Commission, **with the Planning Director**, shall within ~~10~~ **eight (8) business** days of the date of receipt of an application determine whether the building is a ~~s~~Significant ~~b~~Building **under §138-2C (1), (2) or (3)**. If the building is determined not to be **a** ~~s~~Significant **Building under §138-2C (1), (2) or (3)**, the **Chair of the** Commission shall notify the Building Inspector and the

owner, in hand or by certified mail, ~~within 14 days of the date of application,~~ that a demolition permit may be issued. ***If the building is determined to be a Significant Building under §138-2C (1), (2) or (3), the Chair will notify the Building Inspector and the owner, and the Commission shall hold a public meeting ~~meet~~ within 10 20 business days of the date of receipt of the application to determine whether the building is a Significant Building under §138-2C (4). The Commission may schedule a site visit of the property, with the owner's consent, to assist with its determination.***

- C. If a ***majority*** of the Commission determines ***during a public meeting*** that the building, for which a demolition permit has been applied, is a ~~s~~Significant ~~b~~Building ***under §138-2C***, the ~~Chairman~~ of the Commission shall notify the Building Inspector and the owner of the building, in hand or by certified mail, within ~~14~~ ***four (4) business days of their meeting*** ~~the date of the receipt of the application for a demolition permit.~~ The demolition permit shall be denied at this time, and the Commission shall advise the owner of the building of the procedure to be followed to determine whether a permit to demolish a ~~s~~Significant ~~b~~Building may be issued. ***If a majority of the Commission determines during a public meeting that the building for which a demolition permit has been applied is not a Significant Building under §138-2C, the Chair of the Commission shall notify the Building Inspector and the owner of the building, in hand or by certified mail, within four (4) business days of their meeting, that a demolition permit may be issued.***
- D. Before approval or disapproval of the application for the demolition of a ~~s~~Significant ~~b~~Building, a ~~p~~Public ~~h~~Hearing shall be held by the Commission within ~~45~~ ***calendar*** days of the ~~submission date~~ ***of receipt*** of the application. Notice of the time and place of such ***Public H***earing shall be given by the ~~Board-Commission~~ at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Ipswich, once in each of two successive weeks, the first publication being not less than ~~14~~ ***calendar*** days before the day of the hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon and/or within 300 feet of the lot on which the ~~s~~Significant ~~b~~Building is located, as appearing in the most recent tax list.
- E. If, after such ***Public H***earing, the Commission determines that the demolition of the ~~s~~Significant ~~b~~Building would not be detrimental to the historical or architectural heritage or resources of the Town ~~or is in an imminent threat to public health and safety,~~ the Commission shall so notify the Building Inspector and the owner, in hand or by certified mail, within ~~21~~ ***calendar*** days after the ~~p~~Public ~~h~~Hearing. Upon receipt of such notification, or after the expiration of ~~21~~ ***calendar*** days from the conduct of the ~~h~~Hearing, if the Building Inspector and the owner have not received notification from the ~~C~~ommission, the Building Inspector may, subject to the requirements of the state building code and other applicable laws, bylaws, rules and regulations, issue the demolition permit.
- F. If the Commission determines that the demolition of the ~~s~~Significant ~~b~~Building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a ~~p~~Preferably ~~p~~Preserved ~~s~~Significant ~~b~~Building. In making such a determination, the Commission may consider any hardships associated with the property.
- G. Upon such determination by the Commission, the Commission shall so advise the applicant and the Building Inspector, in hand or by certified mail, within ~~21~~ ***calendar*** days of the conduct of the hearing, and no demolition permit may be issued until ~~12~~ ***18*** months after the date of such determination by the Commission, except under the conditions of Subsection H of this section.
- H. Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a ~~p~~Preferably ~~p~~Preserved ~~s~~Significant ~~b~~Building after receipt of written advice from the Commission

to the effect that either:

- (1) The Commission is satisfied at any time after the conduct of the hearing that there is no reasonable likelihood either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
- (2) The Commission is satisfied that, for at least six months, the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, and restore the subject building, and that such efforts have been unsuccessful. These efforts would include listing the building with a realtor or realtors for the six months, advertising in local general circulation newspapers, and advertising in one Boston *area* general circulation newspaper.

§ 138-4 Enforcement and remedies.

- A. The Commission and/or the Building Inspector are each authorized to institute any and all proceedings, in law or equity, as either deems necessary and/or appropriate to obtain compliance with the requirements of this bylaw, and/or to prevent any violation thereof.
- B. No building permit shall be issued with respect to any premises upon which a ~~S~~significant ~~B~~building has been voluntarily demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition as determined by the Building Inspector and documented in a letter to the Commission. As used herein, “premises” includes the parcel of land upon which the demolished ~~s~~Significant ~~b~~Building was located.
- C. Upon a determination by the Commission that a building is a ~~p~~Preferably-~~p~~Preserved ~~s~~Significant ~~b~~Building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail so to secure the building, and as a result, such building is lost through fire or other cause, this shall be considered voluntary demolition for the purposes of § 138-2.

§ 138-5 Ordinary maintenance.

Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature.

§ 138-6 Portions of ~~s~~Significant ~~b~~Buildings.

Nothing in this bylaw shall be construed to prevent the demolition of those portions of ~~S~~significant ~~B~~buildings which are not in themselves ~~s~~Significant. In such cases, the Historical Commission shall notify the Building Inspector within ~~420~~ *business days* of the date of application that a demolition permit may be issued.

§ 138-7 Severability.

If any section, paragraph, or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

§ 138-8: *Coordination with Other Town Boards and Bylaws.*

The Historical Commission authority as established in this bylaw shall not supersede or interfere with the regulatory authority of the Ipswich Architectural Preservation District Commission according to Chapter 113 of the Ipswich General Bylaw.

Summary:

The major responsibility of the Ipswich Historical Commission is to protect significant historic structures by encouraging preservation and rehabilitation. To enable the IHC to fulfill this responsibility, the Commission is recommending four amendments to the Town's 1987 Demolition Review Bylaw:

- 1) *The age of buildings requiring a Historical Commission review to determine their significance is changed to those constructed prior to 1915 from the current language which specifies all buildings that are 75 years old or older. A building's historic significance determines whether a permit to demolish should be issued or withheld.*
- 2) *The period for which a demolition delay may be imposed is extended from 12 months to 18 months so as to give the Town more time to find a preservation solution for the structure.*
- 3) *The process by which a demolition permit is reviewed is updated and typos in the original 1987 bylaw are corrected.*
- 4) *The authorization for the Historical Commission to determine whether a Significant Building is an imminent threat to public health and safety is removed. (The Building Inspector and the Board of Health have that responsibility by law.)*
- 5) *Coordination with the Architectural Preservation District Bylaw is clarified.*

ARTICLE 12 – Amend Chapter 109 – Animals

Submitted By: Select Board

To see if the Town will amend Chapter 109 Animals of the General Bylaws of the Town of Ipswich as follows: (Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.)

109-17. Penalties and enforcement

B. Notwithstanding the provisions of Section 109-1 above and of MGL c. 140, Section 173A, as amended, the final disposition of each violation of this chapter, with the exception of violations of Section 109-6 shall be in accordance with the following schedule. The Animal Control Officer and any deputy, and any Ipswich Police Officer shall have the authority to enforce the provisions of this article; and to further establish annual license fees as follows:

<i>Neutered or spayed dogs – Resident Over 70 License*</i>	<i>\$ 5</i>
Neutered or spayed dogs	\$15
<i>Intact Dogs – Resident Over 70 License*</i>	<i>\$10</i>
Intact Dogs	\$20

****Limit - Only one over 70 Dog License per household***

Summary: Similar to our Shellfish License Fees, the intent of this bylaw is to offer our 70+ residents reduced fees to license their dogs.

ARTICLE 13 – Water Department Main Replacement

Submitted by: Select Board acting as Water Commissioners

To see if the Town will vote:

(1) to appropriate the sum of \$1,500,000 to survey, design, permit and construct improvements to the Town’s water system, including the payment of costs incidental or related thereto; and

(2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board (Board of Sewer Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or any other enabling authority. All or any portion of this amount may be borrowed through the Massachusetts Clean Water Trust. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or

(3) to take any other action relative thereto

Summary: This article will authorize the Treasurer to borrow the sum of \$1,500,000 to replace water infrastructure within the Town of Ipswich. Funds are anticipated to be used to rehabilitate and/or replace a portion of the water system in the area of High Street, evaluate and design upgrades to the Water Treatment Plant and water storage tanks. This infrastructure is approaching or is past its useful life. Failure of this infrastructure will impact the ability to provide water to the community.

ARTICLE 14 – Sewer Easements required for Wastewater Infrastructure Work

Submitted by: Select Board acting as Sewer Commissioners

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, voluntary conveyance or by eminent domain, temporary and permanent easements to gain access to and reconstruct the system of public sewers along and under the Ipswich River between County Street and 4 Union Street, as more particularly shown on a plan entitled Plan of Easements in Ipswich MA prepared by Donohue Survey, Inc., and to appropriate a sum of money therefor, or take any other action relative thereto.

Summary: This article will authorize the Board of Selectmen, as Sewer Commissioners to acquire temporary and permanent easements along the Ipswich River to facilitate construction activities to rehabilitate sewer infrastructure. Existing easement are limited in area and not sufficient to support the planned construction. Funding for the rehabilitation project was approved under Article 14 at the 2020 Annual Town Meeting and construction is scheduled to begin this fall.

ARTICLE 15 – Kamon Farm Land Purchase on Pineswamp Road

Submitted by: Open Space Committee

To see if the Town will vote to authorize the use of up to seven hundred and fifty thousand (\$750,000) dollars, to be funded from sums previously appropriated under Article 18 of the 2000

Annual Town Meeting as amended by a vote adopted Article 19 of the 2011 Annual Town Meeting (the “Open Space Bond”), to purchase a Conservation Restriction on six (6) parcels of vacant land in Ipswich, Massachusetts containing 93 acres, more or less, as described more particularly in a deed recorded with the Essex South District Registry of Deeds in Book 30660, Page 537 (“Kamon Farm Project”), said Restriction to be acquired for conservation purposes, and placed under the care, custody and control of the Town of Ipswich, Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, so that the land shall be permanently protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts;

Further, provided that the Town shall have first received a commitment for funds under the LAND Grant Program or any other federal or state program or private aid in an amount of at least \$300,000.00, which may be in the form of a reimbursement grant;

Further to authorize the Select Board to sign an Agreement with the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA), to accept a grant from the LAND Grant Program (M.G.L. Chapter 132A, Section 11), and that the Select Board and/or the Conservation Commission shall be authorized to apply for reimbursement from the LAND Grant Program;

Further that the Select Board and/or the Conservation Commission shall be authorized, on behalf of the Town, to enter into all agreements and execute any and all instruments as may be necessary to affect the conveyance of the Kamon Farm Project, to obtain reimbursements and to take any other action relative thereto.

Summary: Under the Town’s Open Space Bond article, as amended, the Town has already appropriated and authorized the Treasurer to borrow up to \$15,000,000 to acquire parcels of land for open space, water supply protection, recreation and/or certain limited municipal purposes provided that (1) they are on a “list of priority parcels” approved by Town Meeting, and (2) the Town Meeting approve any acquisition requiring the expenditure of more than \$500,000. There is a remaining authorization of \$4,008,000.00 under the Open Space Bond article.

Kamon Farm, on Pineswamp Road, is a matrix of wetlands, agricultural fields, and wooded uplands with tributaries of the Bull Brook Reservoir and Kimball Brook. Kamon Farm has been on the Open Space Bond List since 2000, and is vital for drinking water supply protection, wildlife habitat, passive recreation and agriculture in Ipswich.

The property offers significant drinking water supply protection. A branch of Bull Brook runs through the property, and several smaller tributaries begin in the hayfields. A portion of the aquifer for the Mile Lane wellhead is also located on the property. More than half of the property protects and filters water flowing into the Bull Brook Reservoir and the Mile Lane Well.

The Town has requested \$400,000.00 from the LAND Grant program through the MA Executive Office of Energy and Environmental Affairs to acquire a conservation restriction over the 92.9 acres. A yes on this article would allow the Town to make the required match by contributing up to \$450,000 from the Open Space Bond.

Greenbelt will fundraise the remaining balance of \$400,000 to meet the full \$1,150,000 purchase price for the property. Greenbelt will own the land subject to a Town-held Conservation Restriction, and will steward and maintain the property. The Town's responsibilities will be limited to routine monitoring of the property under the terms of the Conservation Restriction, and coordinating with Greenbelt on public access. The public would have access in designated areas for passive recreation once Greenbelt takes ownership.

ARTICLE 16 – Citizen Petition – Implementation of Water Use Mitigation Plan

Submitted by:
James McCarthy
35 Fellows Road

To see if the Town will vote to amend the protective zoning bylaws of the Town of Ipswich adding the following: (Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.)

Section IX.T -

T. Water Use Mitigation Plan

1. Purpose

The purpose of this bylaw is to ensure that there is enough water at all times to meet the basic needs of the community, including fighting fires. These standards are designed to address public health, safety, and welfare concerns; establish and assist in achieving sustainability goals and objectives, manage the demand for more water in The Town of Ipswich, to ensure that demand for water does not exceed available current or future supply and demand for water does not exceed the sustainable yield of the source and manage water/water infrastructure to be more resilient to drought.

2. Applicability

The WUMP program is applicable to projects which:

- a. Require a building permit for new construction or an additional dwelling unit (including special permits for accessory apartments)***
- b. Represent a new or increased water demand***
- c. Residential projects of three (3) or more dwelling units and all commercial projects are subject to the WUMP impact fee.***

3. Construction Requirements

All projects subject to the WUMP program must meet the following requirements:

- a. All applicable provisions of the state plumbing code must be met.***
- b. Each faucet, shower head, clothes washing machine, dishwashing machine, and toilet shall be energy-efficient, water-saving, and meet the EPA's Water Efficiency Standards.***
- c. In-ground irrigation systems must be equipped with a rain and moisture sensing device.***

Connection to the public water supply will not be approved until the Town has verified the project complies with these requirements.

4. Fee Amount

The fee assessed to all projects shall be based on the size of the project, according to the following fee schedule.

<i>Development Type</i>	<i>Fee</i>
<i>Residential — 1 Bedroom</i>	<i>\$1,980/unit</i>
<i>Residential — 2 Bedroom</i>	<i>\$3,960/unit</i>
<i>Residential — 3 Bedroom</i>	<i>\$5,940/unit</i>
<i>Residential -- 4 Bedroom</i>	<i>\$7,920/unit</i>
<i>Residential – Multi Unit</i>	<i>\$9.00/gpd/unit</i>
<i>Commercial and Industrial</i>	<i>\$9.00/gpd/unit</i>

**Gallon per day volume to be defined per Title 5.*

5. Fee Collection

The WUMP impact fee will be calculated using a WUMP Fee Calculation Form. Fee payment must be submitted to the Water Department Administration Office prior to the issuance of a building permit. The building plans and sewer permit application or disposal works construction (Title V/Septic) permit application and plans will be reviewed to verify the correct fee amount has been submitted. The Building Department will not sign off on a Building Permit until the WUMP fee is paid.

6. Fee Utilization Guidelines

These guidelines are applicable to the collection and dispersal of all fees collected under the Water Use Mitigation Program in the Town of Ipswich. These guidelines are effective as of the date of approval.

7. Fee Handling

- a. All impact fees will be collected by the Building Department and be subject to the same departmental turnover process as all other monies collected and as described in detail in the Town’s Financial Policies.*
- b. All impact fee funds collected are to be forwarded to the Town Treasurer.*
- c. Town Treasurer shall deposit impact fee funds into a designated Water Usage Mitigation Fund established pursuant to M.G.L. Chapter 44, Section 53E1/2.*
- d. The Water Department may withdraw funds for expenditure for conserving water resources, reducing demand upon the public water supply, and/or water use mitigation, up to an annual expenditure limit of \$200,000 in accordance with the approved Departmental Revolving Fund accounts under M.G.L. Chapter 44, Section 53 E 1/2.*

8. Program Administration

- a. The Water Department will be responsible for the administration and execution of water use mitigation projects under the direction of the Water Director.*
- b. The Water Department will solicit Town residents to identify residents interested in receiving water savings devices and appliances at a reduced cost. A list of these residents will be maintained at all times.*
- c. The Water Department will solicit bids to supply water savings devices and/or appliances upon collection of a sufficient number of interested residents to make bidding appropriate in the judgment of the Superintendent.*

- d. The Water Department may expend funds for water conservation education and outreach efforts, including programs for residents to participate in or attend.*
- e. The Water Department may expend WUMP funds to defray salary and administration costs for the program.*
- f. The number and types of water mitigation measures will be tracked by calendar year. The Water Department will estimate water savings for the mitigation devices installed.*

Summary: The petition is to implement a Water use mitigation plan to collect a fee that will create funding that will be used for water reduction measures with the goal of reducing the impact of housing growth on the water use in Ipswich and providing a more stable water supply system.

ARTICLE 17 – Citizen Petition – Two year building moratorium on multi-unit developments

Submitted by:
Robert Richter
38 Fellows Road

To see if the Town will vote to amend the protective zoning bylaws of the Town of Ipswich adding the following: (Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.)

Section II. D. Building Moratorium - Multi-unit developments

No new building permits shall be issued for the construction of multi-unit developments consisting of three or more dwelling units in any zoning district in the town for a period of two years.

Summary: This temporary building moratorium for multi-unit developments. Ipswich is experiencing an unanticipated increase in the construction of multi-unit developments. Concurrently, the town is updating/revising several existing plans including: The Housing Plan, the Community Development plan, and the Water Neutral Development plan. The town needs to complete these comprehensive studies to allow its respective approval boards to fully evaluate the impact these proposed multi-unit developments have on the water, sewer, and roadway infrastructures; police, fire, and emergency public safety; the school district, and the safety of the general public. This Moratorium shall not apply to building permits for future phases of any project which has obtained all required permits and approvals (except building permits) prior to the effective date of this Bylaw.

ARTICLE 18 – Remove Inclusionary Housing Payment-in-lieu-of Option for non-fractional Affordable Housing Units

Submitted by:
Christopher Florio
44 Fellows Road

Change section IX.I.3.a - Multi-Family Residential Development of the VI. Protective Zoning Bylaw to read: (Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.)

“ii. For multi-family residential developments of fewer than ten (10) units requiring a special permit, the applicant shall, in consideration of such permit, provide either one (1) Affordable Housing Unit in accordance with 3. a. (i), 4., 5., and 6. of this Section I., ~~or pay a fee to the Town to provide affordable housing in Ipswich.~~

If the fraction is less than one-half (1/2) of a dwelling unit, each tenth of the fraction shall require the payment of the unit fee The fee shall be calculated on a pro rata basis, and for developments 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 by the Planning Board from time to time through the issuance of guidelines or regulations. Such adjustments shall reflect both changes in the median contract price for newly constructed homes in the Northeast U.S., as reported annually by the U.S. Census Bureau, and changes in the maximum sales price for single-family homes developed for sale to households at or below eighty percent (80%) of Median Regional Household Income through programs administered by the Massachusetts Department of Housing and Community Development. (Amended 11/7/17 by STM; approved by AG 2/26/18)”

Summary: These changes to the zoning bylaws will eliminate the Payment-in-Lieu-of Option for affordable housing units, with the exception of fractional units. With the current rule, large developments can be allowed to build housing without any affordable housing, allowing each development to move the town further from the 10% affordable housing target that allows the town control over large “40B” developments.

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 September 14th in the year of our Lord, Two Thousand and Twenty.

**TOWN OF IPSWICH
SELECT BOARD**

Linda D. Alexson – Chair

Tammy Jones – Vice Chair

Nishan D. Mootafian

William D. Whitmore

Kerry L. Mackin

Commonwealth of Massachusetts

Town of Ipswich

Warrant for **Special** Town Meeting

October 17, 2020

Time – 9:00 am



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 in the IPSWICH MIDDLE SCHOOL/HIGH SCHOOL, 134 High Street in said Ipswich, on October 17, 2020 at 9:00 o'clock in the morning, then and there to act on the following articles, *viz:*

Index of Articles for Special Town Meeting – October 17, 2020		
Article #	Title	Submitted By
1	Stabilization Funding	Select Board
2	Capital Plan	Select Board
3	Amend FY21 School Budget Funding	School Committee
4	Planning – Adult Use Marijuana	Planning Board
5	Planning – Registered Marijuana Dispensaries (RMD’S)	Planning Board
6	Planning – Clarification Amendment	Planning Board
7	Planning - Energy Efficiency Related Zoning Changes	Planning Board
8	Pineswamp Road Land Purchase – Proposed Public Safety Building Location	Select Board
9	Public Safety Building Design Funds	Select Board
10	Gov’t Study Committee – Waterways Committee Article	Gov’t Study Committee
11	Amend Chapter 138 – Demolition Review	Historical Commission
12	Amend Chapter 109 – Animals	Select Board
13	Water Department Main Replacement	Select Board as Water Commissioners
14	Sewer Easements required for Wastewater Infrastructure Work	Select Board as Sewer Commissioners
15	Kamon Farm Land Purchase on Pineswamp Road	Open Space
16	Citizen Petition – Implementation of Water Use Mitigation Plan	James McCarthy
17	Citizen Petition – Two-year Building Permit Moratorium	Robert Richter
18	Citizen Petition – Remove Inclusionary Housing Payment-in-Lieu-of Option for non-fractional Affordable Housing Units	Christopher Florio

Under the Americans with Disability Act, the Town of Ipswich will make every effort to assure that Town Meeting is accessible to individuals with disabilities. Should any assistance be desired in this regard, please contact the Select Boards Office at (978) 356-6604.

ARTICLE 1 – Stabilization Funding

Submitted by: Select Board

To see if the Town will vote to transfer the sum of \$100,000 from Free Cash to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 2 – Capital Plan

Submitted by: Select Board and School Committee

To see if the Town will vote to transfer from Free Cash the sum of \$460,590 for the following purposes, and that any remaining funds be transferred to the Capital Stabilization Fund:

SCHOOLS:

Flooring & Carpet (District)	\$24,000
Interior Exterior Painting (District)	\$15,000
HVAC – Advance Control Sequencing (MS/HS)	\$46,000
Paint MS/HS Interior & Exterior	\$20,000
Locker Room	\$80,000

BUILDINGS:

DPW Garage Remodel Break Rm/Bathroom	\$15,000
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EQUIPMENT:

PW-58 Backhoe	\$136,090
FY25 E1 Truck Replacement Matching Funds	\$50,000
Fire Pick Up Truck (Replacement)	\$34,500
Administrative Vehicle – Police XO	\$40,000

Or to take any action relative thereto.

ARTICLE 3 – Amend FY21 School Budget

Submitted by: School Committee

To see if the Town will vote to amend Article 4 of the June 27, 2020 Annual Town Meeting to the following: To transfer \$125,000 from the Overlay Surplus account; to transfer \$1,169,589 from the Education Stabilization Fund; and to raise and appropriate the sum of \$30,724,488 for a total of \$32,019,077 to fund the FY2021 School Budget

ARTICLE 4 - Adult Use Marijuana

Submitted by: Planning Board

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

1. Amend Section III. DEFINITIONS as follows:

Insert the following definitions in the correct alphabetical order:

“Cannabis Cultivation: *The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not exempt from zoning. Note this term is not defined in 935 CMR 500.*

Marijuana or Marihuana or Cannabis: *All parts of any plant of the genus Cannabis, not exempted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant; its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, subsection 1; provided that cannabis shall not include:*

- (a) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;*
- (b) Hemp; or*
- (c) The weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.*

Marijuana or Cannabis Products: *Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.*

Marijuana Establishment Ceases to Operate: *Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.*

Cannabis Control Commission: *The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, subsection 76, or its designee. The Commission has the authority to implement the state marijuana laws, which include but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G and 935 CMR 500.000.*

Community Marijuana Establishment Host Agreement: *An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and up to a 3% host agreement revenue sharing. Note that this term is not defined in 935 CMR 500.*

Craft Marijuana Cooperative: *A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments but not to consumers.*

Hemp: *The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of*

the plant of the genus Cannabis, or per volume weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Marijuana Establishment Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:

- (a) Accredited to the International Organization for Standardization 17025 (ISO.IEC 17025:2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;*
- (b) Independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and*
- (c) Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, subsection 34.*

Marijuana Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Marijuana Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

Marijuana Microbusiness: A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments

and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers, and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers.

Marijuana Transporters may be an existing Licensee Transporter or Third Party Transporter.

Marijuana Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

2. Modify Table of Uses as shown below:

TABLE OF USE REGULATIONS (continued)										
PRINCIPAL USE	DISTRICT									
Commercial (continued)	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Solar Energy Collection Apparatus	SPB ¹⁷ _{,36}	P ¹⁷ ₃₆	SPB ¹⁷ _{,36}							
<i>Craft Marijuana Cooperative</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Cultivator</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Product Manufacturer</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Retailer</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Independent Testing Laboratory</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Retail marijuana establishment</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Microbusiness</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Research Facility</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰

TABLE OF USE REGULATIONS (continued)											
<i>Marijuana Transporter</i>	-	-	-	-	-	-	-	-	<i>SPB⁴⁰</i>	-	<i>SPB⁴⁰</i>
<i>Any type of licensed marijuana-related business not included in this Table, except retail sales and a registered marijuana dispensary</i>	-	-	-	-	-	-	-	-	<i>SPB⁴⁰</i>	-	<i>SPB⁴⁰</i>

And add a footnote, #40, to the Table of Uses, which reads:

40. Subject to the requirements of IX.T of this zoning bylaw.

1. Add Section T: Adult-use Marijuana Establishments

1. Purpose:

Ipswich recognizes that the nature of the substance cultivated, processed, and/or sold by Marijuana Establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety and general wellbeing of the public. Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 105 CMR 725.000, Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation and product manufacturing for non-medical adult marijuana use in a manner that complies with state regulations. This subsection shall in no way authorize retail sales of adult use marijuana, which is prohibited in Ipswich.

2. Applicability

Nothing in this section shall be construed to supersede federal and state laws governing the distribution of marijuana. Adult use marijuana retail sales are expressly prohibited in Ipswich. This section shall not be construed to prevent conversion of a registered marijuana dispensary licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such Registered Marijuana Dispensary obtains a special permit pursuant to this section for any such conversion to an adult use Marijuana Establishment.

This section does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

3. Additional Requirements and Conditions

In addition to the standard requirements for uses permitted by right or requiring a special permit or site plan approval, the following requirements and conditions shall also apply to all Marijuana Establishments:

a. Use:

- i. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.*
- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.*
- iii. The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Establishment be open to the public, and no distribution of marijuana shall occur upon the premises or via delivery from the premise between the hours of 8:00 p.m. and 8:00 a.m.*
- iv. No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including but not limited to its Final License from the Cannabis Control Commission.*

b. Physical Requirements

- i. All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure without express Planning Board approval.*
- ii. No outside storage is permitted.*
- iii. Ventilation: all Marijuana Establishments shall be ventilated in such a manner that (a) no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and (b) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment.*
- iv. Sign(s) shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text at least 2 inches in height. All other signs must comply with all other applicable regulations in this Zoning Bylaw and 935 CMR 500.*
- v. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.*
- vi. Marijuana Establishments shall be contained within buildings or structures having a gross floor area of not less than five thousand (5,000) sq. ft. and not more than twenty-five thousand (25,000) square feet.*

c. Location:

- i. No Marijuana Establishment shall be located on a parcel that is within seven hundred and fifty (750) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where*

the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12, or another Marijuana Establishment.

- ii. No Marijuana Establishment shall be located inside a building containing residential uses, including commercial residential uses such as hotels, motels, lodging houses, dormitories, etc.*
- iii. No marijuana establishment is permitted to utilize or provide a drive-through service.*

d. Reporting Requirements:

- i. Prior to the commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Public Health Department, Police Department, Fire Department, Building Inspector and Planning Board with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the facility. All such contact information shall be updated as needed to keep it current and accurate.*
- ii. The local Building Inspector, Public Health Department, Police Department, Fire Department and Planning Board shall be notified in writing by the Marijuana Establishment owner, operator or manager a minimum of 30 days prior to any change in ownership or management of the establishment and a minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.*
- iii. Marijuana Establishments shall file an annual written report to the Planning Board and Town Clerk no later than January 31 of each calendar year, providing a copy of all current applicable state licenses for the establishment and/or its owners, demonstrating continued compliance with the conditions of the special permit.*
- iv. The owners or manager of a Marijuana Establishment is required to respond by phone or email within 24 hours of contact by a Town official concerning their establishment at the phone number or email address provided to the Town as the contact for the establishment.*

e. Issuance/Transfer/Discontinuance of Use

- i. Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment owner.*
- ii. Special Permits/Site Plan Review Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.*
- iii. Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or to another site/parcel.*
- iv. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment and shall lapse/expire if: (a) the Marijuana Establishment ceases operation for 365 days, and/or (b) the Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.*
- v. The Marijuana Establishment shall notify the Building Inspector and Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.*

- vi. *A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.*
- vii. *Prior to the issuance of a building permit for a Marijuana Establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the Town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of authorizing such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days' written notice, said bond shall be returned to the applicant.*

4. Application Requirements

In addition to the standard application requirements for special permits and site plan review, applications for a Marijuana Establishment shall include the following:

- a. *The name and address of each owner and operator of the Marijuana Establishment.*
- b. *A copy of approved Host Agreement, if one exists.*
- c. *A copy of the Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.*
- d. *If the Marijuana Establishment will operate in conjunction with an approved RMD, a copy of the registration as an RMD from the Massachusetts Department of Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.*
- e. *Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.*
- f. *Evidence that the applicant has site control and a right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sale agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.*
- g. *A notarized statement signed by the Marijuana Establishment's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons.*
- h. *In addition to what is normally required in a site plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.*
- i. *A detailed floor plan identifying the areas available and functional uses, including floor area dimensions in square feet.*
- j. *All signs proposed for the facility.*
- k. *A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times to ensure that movement of pedestrian and/or vehicular traffic, including but not limited to, along the public rights of way will not be unreasonably obstructed.*
- l. *An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administration of odor control including maintenance of such controls.*

- m. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to Marijuana Establishments or off-site direct delivery.*
- n. Individual written plans, which, at a minimum, comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's:*
 - i. Operating procedures*
 - ii. Marketing and advertising*
 - iii. Waste disposal*
 - iv. Transportation and delivery of marijuana or marijuana products*
 - v. Energy efficiency and conservation*
 - vi. Security and alarms*
 - vii. Decommissioning of the marijuana establishment including a cost estimate taking into consideration the Town's cost to undertake the decommissioning of the site.*

2. Findings

In addition to the standard Findings for a Special Permit or Site Plan Approval, the Planning Board must also find all of the following in order to grant an approval for a Marijuana Establishment:

- a. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.*
- b. The Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.*
- c. The Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.*
- d. The applicant has satisfied all of the conditions and requirements of this Section and other applicable sections of the Zoning Bylaw.*
- e. The Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on site or via delivery.*
- f. The Marijuana Establishment adequately addresses issues of traffic demand, circulation, and parking, particularly at peak periods, to minimize potential impacts to neighboring uses.*

...or take any other action relative thereto.”

Summary: Special Town Meeting, in October, 2019, approved a General Bylaw change to allow for recreational (also referred to as “adult use”) marijuana establishments in Ipswich, with the exception of retail. Currently, there are no zoning regulations to address recreational marijuana establishments in Ipswich. The current Zoning Bylaw allows with conditions registered medical marijuana dispensaries and should be modified to also allow for and regulate the allowable recreational marijuana establishments. Absent zoning regulations, the permissible recreational marijuana establishments would fall under enclosed manufacturing, which is allowed in the PC and LI districts (Route 1) and by special permit in other industrial zones. This article would only allow recreational marijuana establishments where registered marijuana dispensaries are currently permitted, within the PC and LI districts on Route 1.

ARTICLE 5 - Registered Marijuana Dispensaries (RMDs)

Submitted by: Planning Board

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

Proposed Amendment:

Planning Staff proposes modifications to Zoning Bylaw as follows:

Amend Section IX.R. Registered Marijuana Dispensaries (RMDs), subsection 4, General Requirements and Conditions for all RMDs, as follows:

“4. General Requirements and Conditions for all RMDs

- a. All RMDs shall be contained within a building or structure having a gross floor area of not less than ~~one~~ ***five*** thousand (~~±~~***5***,000) square feet (s.f.) or more than twenty-~~five~~ ***five*** thousand (20***5***,000) s.f....
- h. No marijuana establishment is permitted to utilize or provide a drive-through service.***
- i. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.***
- j. All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure without express Planning Board approval.***
- k. No outside storage is permitted.***
- l. Ventilation: all Marijuana Establishments shall be ventilated in such a manner that (a) no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and (b) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment.***

...or take any other action relative thereto.”

Summary: As the Planning Board and Staff reviewed potential zoning regulations for Marijuana Establishments, it became apparent that the Town’s existing Registered Marijuana Dispensary (RMD) regulations should be expanded and they should be fairly consistent with the proposed Marijuana Establishment regulations. Accordingly, this article proposes to prohibit drive through services, restrict views of operations and materials from the outside, prohibit outside storage, and regulate for proper ventilation and odor management. The article also proposes to make the minimum and maximum size of Registered Marijuana Dispensaries consistent with the minimum and maximum size proposed under the Marijuana Establishment article.

This article is a zoning amendment and would require a 2/3 majority.

ARTICLE 6 - Clarification Amendment

Submitted by: Planning Board

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

“Use, Residential Mixed: A building which contains two or more principal uses, at least one of which is residential, and at least one of which is non-residential and located on the ground floor. ***The principal uses in a Residential Mixed Use building shall be subject to all applicable regulations and conditions in this Zoning Bylaw for those individual uses, including the Dimensional and Density Regulations in Section VI, if this use is not specifically mentioned in Section VI.***

Multi-family Residential Development: A lot which contains or has built upon it: (a) ***one or more residential mixed-use buildings***; (b) one or more multi-family dwellings; (~~bc~~) one or more multi-family dwellings and one or more single or two-family dwellings, provided that the single family dwellings constitute no more than 25% of the total units in the residential development, or (~~ed~~) two (2) or more two-family dwellings.

...or to take any other action relative thereto.”

Summary: In the fall of 2016 Town Meeting adopted a new definition for “Use, Residential Mixed” and added this use to the Table of Uses in Section V of the Zoning Bylaw. The intent of this change was to make it explicit that mixed use (residential plus an allowable non-residential use) is permitted in certain zoning districts. “Use, Residential Mixed” is unintentionally omitted from the list of residential uses called out in the Table of Dimensional and Density Regulations, however. Accordingly, this article would clarify the definition of the “Use, Residential Mixed” to make it clear that this use should not be considered as “all other permitted uses” in the Table of Dimensional and Density Regulations.

ARTICLE 7: Energy Efficiency Related Zoning Changes

Submitted by: Planning Board

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

1. Amend Section I, Purpose, as follows:

I. Purpose

This bylaw is enacted for the following purposes: to lessen congestion in the streets; ...; to encourage efficient use and conservation of energy, ***and to aggressively reduce the use of fossil fuels and actively adopt renewable energy sources***; to conserve the value of land and buildings including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land ***and most beneficial development practices*** throughout the town, It is made with reasonable consideration to the outstanding characteristics and unique position that Ipswich holds in the

historical background of the Country, *its unique and critical coastal features*, and the character of each district and to its peculiar suitability for particular uses; in accordance with the General Laws of the Commonwealth of Massachusetts, Chapter 40A, and any amendments thereto.

2. Amend Section III, Definitions, as follows (insert new definition in the appropriate alphabetical order.)

III. Definitions

Net Zero Ready Building: A building that 1) has no on-site combustion for any purpose, including HVAC system operation, water heating, and cooking equipment (all electric systems), 2) has a solar-ready roof with appropriate orientation to capture solar radiation, and 3) is wired for EV charging.

3. Amend Section IV, Dimensional and Density Regulations, as follows:

A. Amend subsection G.1 as follows:

VI. Dimensional and Density Regulations

G.1. Nothing herein shall prevent the projection of cornices, pediments, or eaves not exceeding twenty-four (24) inches, or of uncovered steps, chimneys, paving's, ~~or~~ windowsills, ***or heat pumps*** into any required setback or other open space, ***except that heat pumps cannot be located within 10' of the window of a residence on an abutting property.***

B. Insert a new subsection G.2 as follows and renumber the existing subsections accordingly.

G.2. A required setback for an existing building may be reduced up to one (1) foot if required for the installation of a super-insulated exterior envelope of the building as an energy conservation measure in new construction or existing buildings.

4. Amend the Footnotes to the Table of Dimensional and Density Regulations as follows:

VI. Footnotes to Table of Density and Dimensional Regulations

25. If a residential development obtains a special permit, waiver or other local approval that increases the density or intensity of use beyond what is otherwise allowed by the Table of Uses, said development shall conform to Section IX.I.2.b, ***and dwellings in the development must be Net Zero Ready Buildings.***"

Summary: This article is important for the Town to achieve its goal to reduce Green House Gases (GHGs). The goal was included in the Community Development Plan as amended in 2008, and in the goals and work plan of the Ipswich Electric Light Department (ELD) for 2021. The proposed changes would reduce GHG emissions from new construction and increase electrification of those homes as a way to curb overall GHG pollution. Another purpose of the proposal is to allow residents flexibility to have certain energy efficiency improvements protrude into building set-backs. All the proposed changes are relevant modifications to existing sections of the zoning by-law, and all are designed to achieve a similar purpose – to increase energy efficiency and reduce GHG emissions.

ARTICLE 8 – Purchase of Land for Site of Proposed Public Safety Building

Submitted by: Select Board

To see if the Town will vote:

- (1) to appropriate the sum of \$630,000 to purchase land located at 4 Pine Swamp Road, Ipswich MA, consisting of eight (8) acres, more or less, and listed on the Assessors' Maps as Map 30D, Block 135, Lot 0, to serve as the site of the proposed public safety building, including the payment of all costs incidental and related thereto; and
- (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or
- (3) to take any other action relative thereto.

Summary:

This article will authorize the Treasurer to borrow the sum of \$630,000 to purchase land located at 4 Pine Swamp Road to serve as the site of the proposed public safety building.

ARTICLE 9 – Design of Proposed Public Safety Building

Submitted by: Select Board

To see if the Town will vote:

- (1) to appropriate the sum of \$2,250,000 to pay costs of designing the proposed public safety building, to include a portion of such costs incurred through bidding, but not construction administration, of architectural and engineering fees, supplemental service fees for geotechnical surveys, energy modeling, permitting, prequalification, traffic engineering, communications design, and all other costs incidental and related thereto; and
- (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c. 44, §7(1), or pursuant to any other enabling authority. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premiums applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or
- (3) to take any other action relative thereto.

Summary:

This article will authorize the Treasurer to borrow the sum of \$2,250,000 to pay costs of designing the proposed public safety building. .

ARTICLE 10 – Amendments to Chapter 118 Boats and Waterways

Submitted by: Gov't Study Committee

To see if the Town will amend Chapter 118 Boats and Waterways of the General Bylaws of the Town of Ipswich as follows: (Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.)

Article III Waterways Advisory Committee, Sub Section 118-9 Appointment and Charge

The Select Board Shall appoint the Waterways Advisory Committee. The Select Board shall determine the Waterways Advisory Committee composition and charge to include advising the Select Board, Harbormaster and the Town related to regulations, planning, development, and management associated with town navigable and tidal waterways, town wharf, and public landings. The Harbormaster is an ex-officio non-voting member of the Waterways Advisory Committee and shall be appointed by the Town Manager. All activities and recommendations of the Waterways Advisory Committee shall respect Ipswich long term planning and priorities.

Summary: The Select Board asked the Government Study Committee (GSC) in 2016 to make recommendations on the Waterways Advisory Committee appointment and charge, and waterways regulations process. The Select Board asked the GSC and Waterways Advisory Committee in 2019 to recommend a warrant article for the May 2020 Annual Town Meeting, This clarifying bylaw amendment is intended to resolve years of inconsistent practices. If approved by the October 17, 2020 Special Town Meeting, this bylaw amendment will be followed by a May 2021 Annual Town Meeting Warrant article proposal to remove current bylaws on waterways, boating, Town Wharf and public landings that are duplicated in, conflict with or should be incorporated into the Rules and Regulations of the Waterways that can be found on the Harbormaster web site. This would also clarify Ipswich will have only one place for Waterways regulations not two. The proposed May 2021 Annual Town Meeting Waterways article will also include the approval authority of Waterways regulations.

ARTICLE 11 – Amend Chapter 138 – Demolition Review

Submitted by: Historical Commission

To see if the Town will amend the provisions of Chapter 138 of the General Bylaws as set forth below, or make other changes to any provision of Chapter 138 (Demolition Review)

[Note: ~~strike through~~ = language to be deleted ***bold italics*** = new language]

**Chapter 138
Demolition Review**

§ 138-1 Intent and purpose.

The purpose of this chapter is the preservation and protection of significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the Town; to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore such buildings rather than demolish them; and by furthering these purposes, to promote the public welfare, to protect the resources of the Town, and to preserve the Town as an attractive and desirable place in which to live. To achieve these purposes, the Ipswich Historical Commission (the "Commission") is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided in this bylaw.

§ 138-2 Definitions.

- A. Building - as defined in "SECTION III." of The Protective Zoning Bylaw of the Town of Ipswich.
- B. Demolition - any act of pulling down, destroying, removing, or razing a building, or any substantial exterior portion thereof, or commencing the work of total or substantial destruction, with the intent of completing the same.
- C. Significant Building - any building or portion thereof which:
 - (1) Is in whole or in part ~~75 or more years old~~ **constructed prior to 1915; or**
 - (2) Is listed on, or is within an area listed on, the National Register of Historical Places, or is the subject of a pending application for listing on said National Register; **or**
 - (3) Is protected by a Preservation Agreement with the Commission or the Heritage Trust; ~~or~~
 - (4) **And is** determined by a majority of the Commission **at a public meeting** to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect, or builder, or other historically significant person, event or process either by itself or in the context of a group of buildings. ~~The Commission shall make such a determination within 10 days of receiving a request, in hand or by certified mail, from the Building Inspector.~~
- ~~(5)~~D. Preferably-Preserved Significant Building - any ~~s~~Significant ~~b~~Building which the Commission determines, **after a Public Hearing** as provided in § 138-3, is in the public interest to be preserved or rehabilitated, rather than to be demolished.
- ~~(6)~~E. Commission – the Ipswich Historical Commission.

§ 138-3 Procedure.

- A. Upon receipt of an application for a demolition permit, the Building Inspector shall date-stamp the application and forward a copy to the ~~Chairman~~ **Chair** of the Commission **and the Planning Director** within four **(4) business** days. No demolition permit shall be issued at that time.
- B. The **Chair of the** Commission, **with the Planning Director**, shall within ~~10~~ **eight (8) business** days of the date of receipt of an application determine whether the building is a ~~s~~Significant ~~b~~Building **under §138-2C (1), (2) or (3)**. If the building is determined not to be **a** ~~s~~Significant **Building under §138-2C (1), (2) or (3)**, the **Chair of the** Commission shall notify the Building Inspector and the

owner, in hand or by certified mail, ~~within 14 days of the date of application,~~ that a demolition permit may be issued. ***If the building is determined to be a Significant Building under §138-2C (1), (2) or (3), the Chair will notify the Building Inspector and the owner, and the Commission shall hold a public meeting ~~meet~~ within 10 20 business days of the date of receipt of the application to determine whether the building is a Significant Building under §138-2C (4). The Commission may schedule a site visit of the property, with the owner's consent, to assist with its determination.***

- C. If a **majority** of the Commission determines **during a public meeting** that the building, for which a demolition permit has been applied, is a ~~s~~Significant ~~b~~Building **under §138-2C**, the ~~Chairman~~ of the Commission shall notify the Building Inspector and the owner of the building, in hand or by certified mail, within ~~14~~ **four (4) business days of their meeting** ~~the date of the receipt of the application for a demolition permit.~~ The demolition permit shall be denied at this time, and the Commission shall advise the owner of the building of the procedure to be followed to determine whether a permit to demolish a ~~s~~Significant ~~b~~Building may be issued. ***If a majority of the Commission determines during a public meeting that the building for which a demolition permit has been applied is not a Significant Building under §138-2C, the Chair of the Commission shall notify the Building Inspector and the owner of the building, in hand or by certified mail, within four (4) business days of their meeting, that a demolition permit may be issued.***
- D. Before approval or disapproval of the application for the demolition of a ~~s~~Significant ~~b~~Building, a ~~p~~Public ~~h~~Hearing shall be held by the Commission within ~~45~~ **calendar** days of the ~~submission date~~ **of receipt** of the application. Notice of the time and place of such **Public H**earing shall be given by the ~~Board-Commission~~ at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of Ipswich, once in each of two successive weeks, the first publication being not less than ~~14~~ **calendar** days before the day of the hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon and/or within 300 feet of the lot on which the ~~s~~Significant ~~b~~Building is located, as appearing in the most recent tax list.
- E. If, after such **Public H**earing, the Commission determines that the demolition of the ~~s~~Significant ~~b~~Building would not be detrimental to the historical or architectural heritage or resources of the Town ~~or is in an imminent threat to public health and safety,~~ the Commission shall so notify the Building Inspector and the owner, in hand or by certified mail, within ~~21~~ **calendar** days after the ~~p~~Public ~~h~~Hearing. Upon receipt of such notification, or after the expiration of ~~21~~ **calendar** days from the conduct of the ~~h~~Hearing, if the Building Inspector and the owner have not received notification from the ~~C~~ommission, the Building Inspector may, subject to the requirements of the state building code and other applicable laws, bylaws, rules and regulations, issue the demolition permit.
- F. If the Commission determines that the demolition of the ~~s~~Significant ~~b~~Building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a ~~p~~Preferably ~~p~~Preserved ~~s~~Significant ~~b~~Building. In making such a determination, the Commission may consider any hardships associated with the property.
- G. Upon such determination by the Commission, the Commission shall so advise the applicant and the Building Inspector, in hand or by certified mail, within ~~21~~ **calendar** days of the conduct of the hearing, and no demolition permit may be issued until ~~12~~ **18** months after the date of such determination by the Commission, except under the conditions of Subsection H of this section.
- H. Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a ~~p~~Preferably ~~p~~Preserved ~~s~~Significant ~~b~~Building after receipt of written advice from the Commission

to the effect that either:

- (1) The Commission is satisfied at any time after the conduct of the hearing that there is no reasonable likelihood either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
- (2) The Commission is satisfied that, for at least six months, the owner has made continuing, bona fide, and reasonable efforts to locate a purchaser to preserve, rehabilitate, and restore the subject building, and that such efforts have been unsuccessful. These efforts would include listing the building with a realtor or realtors for the six months, advertising in local general circulation newspapers, and advertising in one Boston *area* general circulation newspaper.

§ 138-4 Enforcement and remedies.

- A. The Commission and/or the Building Inspector are each authorized to institute any and all proceedings, in law or equity, as either deems necessary and/or appropriate to obtain compliance with the requirements of this bylaw, and/or to prevent any violation thereof.
- B. No building permit shall be issued with respect to any premises upon which a ~~S~~significant ~~B~~building has been voluntarily demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition as determined by the Building Inspector and documented in a letter to the Commission. As used herein, “premises” includes the parcel of land upon which the demolished ~~s~~Significant ~~b~~Building was located.
- C. Upon a determination by the Commission that a building is a ~~p~~Preferably-~~p~~Preserved ~~s~~Significant ~~b~~Building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail so to secure the building, and as a result, such building is lost through fire or other cause, this shall be considered voluntary demolition for the purposes of § 138-2.

§ 138-5 Ordinary maintenance.

Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature.

§ 138-6 Portions of ~~s~~Significant ~~b~~Buildings.

Nothing in this bylaw shall be construed to prevent the demolition of those portions of ~~S~~significant ~~B~~buildings which are not in themselves ~~s~~Significant. In such cases, the Historical Commission shall notify the Building Inspector within ~~420~~ *business days* of the date of application that a demolition permit may be issued.

§ 138-7 Severability.

If any section, paragraph, or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

§ 138-8: *Coordination with Other Town Boards and Bylaws.*

The Historical Commission authority as established in this bylaw shall not supersede or interfere with the regulatory authority of the Ipswich Architectural Preservation District Commission according to Chapter 113 of the Ipswich General Bylaw.

Summary:

The major responsibility of the Ipswich Historical Commission is to protect significant historic structures by encouraging preservation and rehabilitation. To enable the IHC to fulfill this responsibility, the Commission is recommending four amendments to the Town's 1987 Demolition Review Bylaw:

- 1) *The age of buildings requiring a Historical Commission review to determine their significance is changed to those constructed prior to 1915 from the current language which specifies all buildings that are 75 years old or older. A building's historic significance determines whether a permit to demolish should be issued or withheld.*
- 2) *The period for which a demolition delay may be imposed is extended from 12 months to 18 months so as to give the Town more time to find a preservation solution for the structure.*
- 3) *The process by which a demolition permit is reviewed is updated and typos in the original 1987 bylaw are corrected.*
- 4) *The authorization for the Historical Commission to determine whether a Significant Building is an imminent threat to public health and safety is removed. (The Building Inspector and the Board of Health have that responsibility by law.)*
- 5) *Coordination with the Architectural Preservation District Bylaw is clarified.*

ARTICLE 12 – Amend Chapter 109 – Animals

Submitted By: Select Board

To see if the Town will amend Chapter 109 Animals of the General Bylaws of the Town of Ipswich as follows: (Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.)

109-17. Penalties and enforcement

B. Notwithstanding the provisions of Section 109-1 above and of MGL c. 140, Section 173A, as amended, the final disposition of each violation of this chapter, with the exception of violations of Section 109-6 shall be in accordance with the following schedule. The Animal Control Officer and any deputy, and any Ipswich Police Officer shall have the authority to enforce the provisions of this article; and to further establish annual license fees as follows:

<i>Neutered or spayed dogs – Resident Over 70 License*</i>	<i>\$ 5</i>
Neutered or spayed dogs	\$15
<i>Intact Dogs – Resident Over 70 License*</i>	<i>\$10</i>
Intact Dogs	\$20

****Limit - Only one over 70 Dog License per household***

Summary: Similar to our Shellfish License Fees, the intent of this bylaw is to offer our 70+ residents reduced fees to license their dogs.

ARTICLE 13 – Water Department Main Replacement

Submitted by: Select Board acting as Water Commissioners

To see if the Town will vote:

(1) to appropriate the sum of \$1,500,000 to survey, design, permit and construct improvements to the Town’s water system, including the payment of costs incidental or related thereto; and

(2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board (Board of Sewer Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended, or any other enabling authority. All or any portion of this amount may be borrowed through the Massachusetts Clean Water Trust. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or

(3) to take any other action relative thereto

Summary: This article will authorize the Treasurer to borrow the sum of \$1,500,000 to replace water infrastructure within the Town of Ipswich. Funds are anticipated to be used to rehabilitate and/or replace a portion of the water system in the area of High Street, evaluate and design upgrades to the Water Treatment Plant and water storage tanks. This infrastructure is approaching or is past its useful life. Failure of this infrastructure will impact the ability to provide water to the community.

ARTICLE 14 – Sewer Easements required for Wastewater Infrastructure Work

Submitted by: Select Board acting as Sewer Commissioners

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, voluntary conveyance or by eminent domain, temporary and permanent easements to gain access to and reconstruct the system of public sewers along and under the Ipswich River between County Street and 4 Union Street, as more particularly shown on a plan entitled Plan of Easements in Ipswich MA prepared by Donohue Survey, Inc., and to appropriate a sum of money therefor, or take any other action relative thereto.

Summary: This article will authorize the Board of Selectmen, as Sewer Commissioners to acquire temporary and permanent easements along the Ipswich River to facilitate construction activities to rehabilitate sewer infrastructure. Existing easement are limited in area and not sufficient to support the planned construction. Funding for the rehabilitation project was approved under Article 14 at the 2020 Annual Town Meeting and construction is scheduled to begin this fall.

ARTICLE 15 – Kamon Farm Land Purchase on Pineswamp Road

Submitted by: Open Space Committee

To see if the Town will vote to authorize the use of up to seven hundred and fifty thousand (\$750,000) dollars, to be funded from sums previously appropriated under Article 18 of the 2000

Annual Town Meeting as amended by a vote adopted Article 19 of the 2011 Annual Town Meeting (the “Open Space Bond”), to purchase a Conservation Restriction on six (6) parcels of vacant land in Ipswich, Massachusetts containing 93 acres, more or less, as described more particularly in a deed recorded with the Essex South District Registry of Deeds in Book 30660, Page 537 (“Kamon Farm Project”), said Restriction to be acquired for conservation purposes, and placed under the care, custody and control of the Town of Ipswich, Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, so that the land shall be permanently protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts;

Further, provided that the Town shall have first received a commitment for funds under the LAND Grant Program or any other federal or state program or private aid in an amount of at least \$300,000.00, which may be in the form of a reimbursement grant;

Further to authorize the Select Board to sign an Agreement with the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA), to accept a grant from the LAND Grant Program (M.G.L. Chapter 132A, Section 11), and that the Select Board and/or the Conservation Commission shall be authorized to apply for reimbursement from the LAND Grant Program;

Further that the Select Board and/or the Conservation Commission shall be authorized, on behalf of the Town, to enter into all agreements and execute any and all instruments as may be necessary to affect the conveyance of the Kamon Farm Project, to obtain reimbursements and to take any other action relative thereto.

Summary: Under the Town’s Open Space Bond article, as amended, the Town has already appropriated and authorized the Treasurer to borrow up to \$15,000,000 to acquire parcels of land for open space, water supply protection, recreation and/or certain limited municipal purposes provided that (1) they are on a “list of priority parcels” approved by Town Meeting, and (2) the Town Meeting approve any acquisition requiring the expenditure of more than \$500,000. There is a remaining authorization of \$4,008,000.00 under the Open Space Bond article.

Kamon Farm, on Pineswamp Road, is a matrix of wetlands, agricultural fields, and wooded uplands with tributaries of the Bull Brook Reservoir and Kimball Brook. Kamon Farm has been on the Open Space Bond List since 2000, and is vital for drinking water supply protection, wildlife habitat, passive recreation and agriculture in Ipswich.

The property offers significant drinking water supply protection. A branch of Bull Brook runs through the property, and several smaller tributaries begin in the hayfields. A portion of the aquifer for the Mile Lane wellhead is also located on the property. More than half of the property protects and filters water flowing into the Bull Brook Reservoir and the Mile Lane Well.

The Town has requested \$400,000.00 from the LAND Grant program through the MA Executive Office of Energy and Environmental Affairs to acquire a conservation restriction over the 92.9 acres. A yes on this article would allow the Town to make the required match by contributing up to \$450,000 from the Open Space Bond.

Greenbelt will fundraise the remaining balance of \$400,000 to meet the full \$1,150,000 purchase price for the property. Greenbelt will own the land subject to a Town-held Conservation Restriction, and will steward and maintain the property. The Town's responsibilities will be limited to routine monitoring of the property under the terms of the Conservation Restriction, and coordinating with Greenbelt on public access. The public would have access in designated areas for passive recreation once Greenbelt takes ownership.

ARTICLE 16 – Citizen Petition – Implementation of Water Use Mitigation Plan

Submitted by:
James McCarthy
35 Fellows Road

To see if the Town will vote to amend the protective zoning bylaws of the Town of Ipswich adding the following: (Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.)

Section IX.T -

T. Water Use Mitigation Plan

1. Purpose

The purpose of this bylaw is to ensure that there is enough water at all times to meet the basic needs of the community, including fighting fires. These standards are designed to address public health, safety, and welfare concerns; establish and assist in achieving sustainability goals and objectives, manage the demand for more water in The Town of Ipswich, to ensure that demand for water does not exceed available current or future supply and demand for water does not exceed the sustainable yield of the source and manage water/water infrastructure to be more resilient to drought.

2. Applicability

The WUMP program is applicable to projects which:

- a. Require a building permit for new construction or an additional dwelling unit (including special permits for accessory apartments)***
- b. Represent a new or increased water demand***
- c. Residential projects of three (3) or more dwelling units and all commercial projects are subject to the WUMP impact fee.***

3. Construction Requirements

All projects subject to the WUMP program must meet the following requirements:

- a. All applicable provisions of the state plumbing code must be met.***
- b. Each faucet, shower head, clothes washing machine, dishwashing machine, and toilet shall be energy-efficient, water-saving, and meet the EPA's Water Efficiency Standards.***
- c. In-ground irrigation systems must be equipped with a rain and moisture sensing device.***

Connection to the public water supply will not be approved until the Town has verified the project complies with these requirements.

4. Fee Amount

The fee assessed to all projects shall be based on the size of the project, according to the following fee schedule.

<i>Development Type</i>	<i>Fee</i>
<i>Residential — 1 Bedroom</i>	<i>\$1,980/unit</i>
<i>Residential — 2 Bedroom</i>	<i>\$3,960/unit</i>
<i>Residential — 3 Bedroom</i>	<i>\$5,940/unit</i>
<i>Residential -- 4 Bedroom</i>	<i>\$7,920/unit</i>
<i>Residential – Multi Unit</i>	<i>\$9.00/gpd/unit</i>
<i>Commercial and Industrial</i>	<i>\$9.00/gpd/unit</i>

**Gallon per day volume to be defined per Title 5.*

5. Fee Collection

The WUMP impact fee will be calculated using a WUMP Fee Calculation Form. Fee payment must be submitted to the Water Department Administration Office prior to the issuance of a building permit. The building plans and sewer permit application or disposal works construction (Title V/Septic) permit application and plans will be reviewed to verify the correct fee amount has been submitted. The Building Department will not sign off on a Building Permit until the WUMP fee is paid.

6. Fee Utilization Guidelines

These guidelines are applicable to the collection and dispersal of all fees collected under the Water Use Mitigation Program in the Town of Ipswich. These guidelines are effective as of the date of approval.

7. Fee Handling

- a. All impact fees will be collected by the Building Department and be subject to the same departmental turnover process as all other monies collected and as described in detail in the Town’s Financial Policies.*
- b. All impact fee funds collected are to be forwarded to the Town Treasurer.*
- c. Town Treasurer shall deposit impact fee funds into a designated Water Usage Mitigation Fund established pursuant to M.G.L. Chapter 44, Section 53E1/2.*
- d. The Water Department may withdraw funds for expenditure for conserving water resources, reducing demand upon the public water supply, and/or water use mitigation, up to an annual expenditure limit of \$200,000 in accordance with the approved Departmental Revolving Fund accounts under M.G.L. Chapter 44, Section 53 E 1/2.*

8. Program Administration

- a. The Water Department will be responsible for the administration and execution of water use mitigation projects under the direction of the Water Director.*
- b. The Water Department will solicit Town residents to identify residents interested in receiving water savings devices and appliances at a reduced cost. A list of these residents will be maintained at all times.*
- c. The Water Department will solicit bids to supply water savings devices and/or appliances upon collection of a sufficient number of interested residents to make bidding appropriate in the judgment of the Superintendent.*

- d. The Water Department may expend funds for water conservation education and outreach efforts, including programs for residents to participate in or attend.*
- e. The Water Department may expend WUMP funds to defray salary and administration costs for the program.*
- f. The number and types of water mitigation measures will be tracked by calendar year. The Water Department will estimate water savings for the mitigation devices installed.*

Summary: The petition is to implement a Water use mitigation plan to collect a fee that will create funding that will be used for water reduction measures with the goal of reducing the impact of housing growth on the water use in Ipswich and providing a more stable water supply system.

ARTICLE 17 – Citizen Petition – Two year building moratorium on multi-unit developments

Submitted by:
Robert Richter
38 Fellows Road

To see if the Town will vote to amend the protective zoning bylaws of the Town of Ipswich adding the following: (Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.)

Section II. D. Building Moratorium - Multi-unit developments

No new building permits shall be issued for the construction of multi-unit developments consisting of three or more dwelling units in any zoning district in the town for a period of two years.

Summary: This temporary building moratorium for multi-unit developments. Ipswich is experiencing an unanticipated increase in the construction of multi-unit developments. Concurrently, the town is updating/revising several existing plans including: The Housing Plan, the Community Development plan, and the Water Neutral Development plan. The town needs to complete these comprehensive studies to allow its respective approval boards to fully evaluate the impact these proposed multi-unit developments have on the water, sewer, and roadway infrastructures; police, fire, and emergency public safety; the school district, and the safety of the general public. This Moratorium shall not apply to building permits for future phases of any project which has obtained all required permits and approvals (except building permits) prior to the effective date of this Bylaw.

ARTICLE 18 – Remove Inclusionary Housing Payment-in-lieu-of Option for non-fractional Affordable Housing Units

Submitted by:
Christopher Florio
44 Fellows Road

Change section IX.I.3.a - Multi-Family Residential Development of the VI. Protective Zoning Bylaw to read: (Note: ~~striketrough~~ indicates deletions; ***bold italics*** indicates additions.)

“ii. For multi-family residential developments of fewer than ten (10) units requiring a special permit, the applicant shall, in consideration of such permit, provide either one (1) Affordable Housing Unit in accordance with 3. a. (i), 4., 5., and 6. of this Section I., ~~or pay a fee to the Town to provide affordable housing in Ipswich.~~

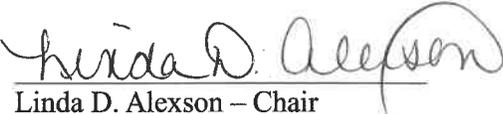
If the fraction is less than one-half (1/2) of a dwelling unit, each tenth of the fraction shall require the payment of the unit fee The fee shall be calculated on a pro rata basis, and for developments of fewer than ten dwelling units, the fee shall be \$10,000 per rental unit and between \$10,000 and \$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 by the Planning Board from time to time through the issuance of guidelines or regulations. Such adjustments shall reflect both changes in the median contract price for newly constructed homes in the Northeast U.S., as reported annually by the U.S. Census Bureau, and changes in the maximum sales price for single-family homes developed for sale to households at or below eighty percent (80%) of Median Regional Household Income through programs administered by the Massachusetts Department of Housing and Community Development. (Amended 11/7/17 by STM; approved by AG 2/26/18)”

Summary: These changes to the zoning bylaws will eliminate the Payment-in-Lieu-of Option for affordable housing units, with the exception of fractional units. With the current rule, large developments can be allowed to build housing without any affordable housing, allowing each development to move the town further from the 10% affordable housing target that allows the town control over large “40B” developments.

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 September 14th in the year of our Lord, Two Thousand and Twenty.

**TOWN OF IPSWICH
SELECT BOARD**


Linda D. Alexson – Chair


Tammy Jones – Vice Chair


Nishan D. Mootafian


William D. Whitmore


Kerry L. Mackin