

RECORD OF ACTION  
SPECIAL TOWN MEETING  
OCTOBER 29, 2019

Pursuant to the foregoing Warrant, the legal voters of the Town of Ipswich met in the Ipswich Middle/High School in said Town of Ipswich on, Tuesday, October 29, 2019. A quorum was present (214 present/200 required), and the meeting was called to order by the Moderator, Mr. Thomas R. Murphy, at 7:36 P.M.

The counters were Michael Johnson, Rob Donahue, Diane Ross, Pat Smith, John Moss, Isaac Ross, Maggie Thomas, Irene Josephson, and Mark Allman.

**Article One – Amend Town Budget (State Aid)**

*Main Motion Speaker: William Whitmore*

To see if the Town will vote to amend the FY2020 Municipal Budget approved under Article 3 of the May 14, 2019, Annual Town Meeting by raising and appropriating the additional sum of \$62,880 to the FY20 Management Transfer account or take any other action relative thereto.

**Requested by: Town Manager**  
**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**  
**School Committee Recommend: 7-0**

*This article requires a simple majority vote.*

**Main Motion: I move to raise and appropriate the sum of \$62,880 as set forth in Article 1 of the warrant for this town meeting.**

**ACTION: Moderator declared Article 1 passed unanimously.**

**Article Two – Amend School Budget (State Aid)**

*Main Motion Speaker: Barry Hopping*

To see if the Town will vote to amend the FY2020 School Budget approved under Article 4 of the May 14, 2019, Annual Town Meeting by raising and appropriating the additional sum of \$51,375 or take any action relative thereto.

**Requested by: School Department**  
**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**  
**School Committee Recommend: 7-0**

*This article requires a simple majority vote.*

**Main Motion: I move to raise and appropriate the sum of \$51,375 as set forth in Article 2 of the warrant of this town meeting.**

**ACTION: Moderator declared Article 2 passed unanimously.**

**Article Three – Appropriation to Essex Tech**

*Main Motion Speaker: Pavica Kneedler*

To see if the Town will amend the action taken under Article 6 of the May 14, 2019, Annual Town Meeting by reducing or increasing the Town's share of the budget appropriated for the FY2020 annual operating and debt service expenses of the Essex North Shore Agricultural & Technical School District, or take any action relative thereto.

**Requested by: Town Manager  
Select Board Recommend: 5-0  
Finance Committee Recommend: 9-0  
School Committee Recommend: 7-0**

*This article requires a simple majority vote.*

**Main Motion: I move to amend the action taken under Article 6 of the May 14, 2019 Annual Town Meeting by reducing the appropriation from \$235,707 to \$195,000 as set forth in Article 3 of the warrant for this town meeting.**

**ACTION: Moderator declared Article 3 passed unanimously.**

**Article Four – Funding for Municipal Harbor Plan**

*Main Motion Speaker: Chief Paul A. Nikas*

To see if the Town will vote to transfer from the Waterways Improvement Fund the sum of \$15,000 for the first of two installments to hire a consultant from the Urban Harbors Institute of UMass Boston to assist the Harbormaster and Waterways Advisory Committee in developing a Municipal Harbor Plan that will be submitted to the EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS per 301 CMR 23.00.

**Requested By: Chief Paul A. Nikas, Harbormaster  
Select Board Recommend: 5-0  
Finance Committee Recommend: 9-0**

*This article requires a simple majority vote.*

*Amount of Funding Needed: \$15,000.00 Recommended Funding Source: Waterways Improvement Fund*

**Main Motion: I move to authorize the transfer of \$15,000 from the Waterways Improvement Fund to be spent on a consultant to develop a Municipal Harbor Plan; said funds to be spent by the Town Manager.**

**ACTION: Moderator declared Article 4 passed unanimously.**

**Article Five – Off Street Parking Amendments**

*Main Motion Speaker: Keith Anderson*

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

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

Amend Section VII. Off-Street Parking and Loading Regulations as follows:

Amend B. Parking Requirements, Table of Minimum Parking Requirements, as shown below:

<b>TABLE OF MINIMUM PARKING REQUIREMENTS</b>	
<b>Residential Uses</b>	<b>Required Parking Spaces **</b>
<b>1.</b> Residence	One and a half (1½) spaces per dwelling unit: <b><i>with fewer than two (2) bedrooms and two (2) spaces per dwelling unit with two (2) or more bedrooms.*</i></b>

\* For parking associated with dwelling units created pursuant to Section IX.J (Accessory Apartments) of this zoning bylaw, the Zoning Board of Appeals may allow, as a condition of its special permit approval, only one space per accessory apartment.

\*\* For parking associated with uses requiring a special permit, the Planning Board by special permit may reduce the required number of parking spaces by a maximum of fifty percent (50%), based on a determination that the specific use requires fewer spaces than otherwise required by the general standard.

B. Amend M. Parking and Loading Layout as shown below:

Layout – Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. The ~~Board~~ ***Special Permit Granting Authority*** may waive this requirement for parking facilities under full-time attendant supervision: ***or for parking associated with a special permit...***

C. Insert a new subsection O to read as follows:

***O. To encourage electric vehicle (EV) charging for projects that create fifteen (15) or more new vehicle spaces, excluding loading vehicle spaces, an electric vehicle charging station, at Level 2 or greater, capable of supporting a minimum of one vehicle, must be provided at a ratio of one EV charging station per fifteen (15) spaces. If the number of new spaces results in a fractional number of EV charging stations, the number must be rounded up when it reaches one half (1/2).***

D. Renumber the remaining subsections accordingly.”

or to take any other action relative thereto.

**Requested By: Planning Board**  
**Planning Board Recommend: 4-0-1**  
**Select Board Recommend: 5-0**  
**Finance Committee Recommend:9-0**

*This article requires a 2/3 majority vote.*

**Main Motion: I move to amend the Ipswich Protective Zoning Bylaw as set forth in Article 5 of the warrant for this town meeting.**

**ACTION: Moderator declared Article 5 passed by 2/3<sup>rd</sup> vote.**

**Article Six – Zoning Freeze Timeline Extension and Floodplain District Updates**

*Main Motion Speaker – Paul Nordberg*

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

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

Amend Section XI.R Applicability of Amendments to Outstanding Building Permits or Special Permits as follows:

As prescribed in Section 6 of Chapter 40A of the General Laws, construction or operations under a building or special permit shall conform to any subsequent amendment of the bylaw unless the use or construction is commenced within a period of not more than ~~six~~ ***twelve*** months after the issuance of the permit...

(2) Amend Section IX. Special Regulations, D. Floodplain District, 3.d as follows:

~~In the For AO zones, the lowest floor of new construction of substantial improvements shall be elevated above the crown of the nearest street or above the average depth indicated within the Town of Ipswich on the Essex County FIRM~~ ***the design flood elevation shall be the elevation of the highest adjacent grade plus the flood plain depth specified on the FIRM plus one foot or the elevation of the highest adjacent grade plus three feet if no flood depth is specified.***”

or to take any other action relative thereto.

**Requested By: Planning Board**  
**Planning Board Recommended: 5-0**  
**Select Board Recommend: 5-0**  
**Finance Committee Recommend:9-0**

*The article requires a 2/3 majority vote.*

**Main Motion: I move to amend the Ipswich Protective Zoning Bylaw as set forth in Article 6 of the warrant for this Town Meeting.**

**ACTION: Moderator declared Article 6 carried by 2/3<sup>rd</sup> vote.**

### **Article Seven - Average Setback Rule, Nonconforming Structures and Site Plan Review Clarifications and Amendments**

*Main Motion Speaker: Kevin Westerhoff*

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

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

(1) Amend Section VI. Table of Dimensional and Density Regulations, Footnotes to Table of Dimensional and Density Regulations as follows:

1. Except in the Rural Residence C, the Planned Commercial, and the Limited Industrial Districts, no building in any district need have a front setback greater than the front setback of the principal building(s) existing on the premises as of the effective date of this provision, or the average front setback of the principal buildings on abutting lots ***that wholly or partially fall*** within two hundred and fifty (250) feet of each lot line facing the same street and located within the same area or district, ***measured not including the front lot line of the subject lot***, whichever is less restrictive...

(2) Amend Section II. Applicability, B. Nonconforming Uses and Structures, 3. d as follows:

Alteration to ~~***the side or face of***~~ a structure which encroaches upon a required yard or setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure...

(3) Amend Section X. Site Plan Review as follows:

Add a new “4” under E. Submission Requirements, as follows:

#### ***4. Solar Energy Collection Assessment***

***A solar energy collection assessment shall be submitted, which includes an analysis for potential solar energy system(s) for the site, detailing layout and annual production; the maximum feasible solar zone area of all structures and potential ground-mounted array areas; and a final solar installation plan in cases where an applicant proposes to install a solar energy collection apparatus. Other renewable energy systems may be included in this assessment.***

Amend C. General Standards, 12, as follows:

12. Energy, water and resource-efficient design, ~~through~~ ***such as*** appropriate building orientation, landscaping ***design, use of solar or other energy collection apparatuses, electric vehicle charging stations, LED light fixtures*** and use of resource-efficient materials and energy- and water-efficient systems.”

or to take any other action relative thereto.

**Requested by: Planning Board  
Planning Board Recommended: 5-0  
Select Board Recommend: 5-0  
Finance Committee Recommend: 9-0**

*This article requires a 2/3 majority vote.*

**Main Motion: I move to amend the Ipswich Protective Zoning Bylaw as set forth in Article 7 of the warrant for this town meeting.**

**ACTION: Moderator declared Article 7 passed by 2/3<sup>rd</sup> vote.**

### **Article Eight – Zoning Board of Appeals Composition**

*Main Motion Speaker: Keith Anderson*

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

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

(1) Amend Section XI. Administration, F. Zoning Board of Appeals, as follows:

A Zoning Board of Appeals consisting of five (5) members and ~~two (2)~~ ***three (3)*** associate members...”

or to take any other action relative thereto.

**Requested By: Planning Board  
Planning Board Recommended: 5-0  
Select Board Recommend: 5-0  
Finance Committee Recommend: 9-0**

*This article requires a 2/3 majority vote.*

**Main Motion: I move to amend the Ipswich Protective Zoning Bylaws as set forth in Article 8 of the warrant of this town meeting.**

**ACTION: Moderator declared Article 8 carried by 2/3<sup>rd</sup> vote.**

**Article Nine - Amendment to Town Charter re Acting Town Manager**

*Main Motion Speaker: Scott Glosserman*

To see if the Town will amend Section 8 of the Charter as set forth below:

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

SECTION 8 Acting Town Manager.

In the event of a temporary absence ~~or disability~~ (***not more than thirty days***) of the Town Manager, ***the Town Manager shall appoint a qualified employee of the Town to perform the duties of that office during that period, by letter filed with the Town Clerk and the Select Board. If the Town Manager fails to make an appointment within forty-eight (48) hours, the Select Board shall appoint a qualified employee of the Town to fill the duties of that office.*** ~~the Board of Selectmen may designate an officer of the Town to perform the duties of the Town Manager until he shall return or his disability shall cease. Such an appointment must be made if~~ ***If the absence or disability extends beyond thirty days, the Select Board may then appoint a capable person to perform the duties of the Town Manager. No member of the Select Board shall serve as Acting Town Manager.***

**Requested by: Gov't Study Committee  
Select Board Recommend: 5-0  
Finance Committee Recommend: 6-3  
School Committee Recommend: 7-0**

*This article requires a simple majority vote.*

**Main Motion: I move to authorize the Select Board to petition the Massachusetts General Court to amend the Ipswich Charter as set forth in Article 9 of the warrant for this town meeting.**

**ACTION: Moderator declared Article 9 carried by 2/3<sup>rd</sup> vote.**

**Article Ten – Changes to Demolition Review Bylaw**

*Main Motion Speaker: John Fiske*

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: ~~strikethrough~~ = language to be deleted ***bold italics*** = new language]

**138-2 Definitions.**

Significant Building – any building or portion thereof which:

Is in whole or in part ~~75 or more years old;~~ ***built before 1930***

**138-3 Procedure.**

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 days of the conduct of the hearing, and no demolition permit may be issued until ~~12~~ **24** months after the date of such determination by the commission, except under the conditions of Subsection H of this section. **[Amended 4-5-2004 ATM, approved by the Attorney General 5-3-2004]**

**Requested by: Historical Commission**  
**Select Board Recommend: 3-2**  
**Finance Committee Recommend: 9-0, (Take No Action)**

Majority vote.

**Main Motion: I move that the meeting take no action under this article.**

**ACTION: Moderator declared Article 10 carried by 2/3<sup>rd</sup> vote.**

**Article Eleven – Change Procedures for Town Meeting Warrant**

*Main Motion Speaker: Jim Engel*

To see if the Town will amend the provisions of Chapter 25 of the General Bylaws as set forth below, or make other changes to any provision of Chapter 25 (Town Meeting):

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

**25-2. Annual Town Meeting.**

The Annual Town Meeting of the Town shall be held on the second Tuesday of the month of May and at a time as specified by the Select Board in the warrant, and all business, except the election of such officers and the determination of such matters as by law or by this chapter, is required to be elected or determined by ballot, shall be considered at that meeting or at an adjournment thereof to another day. That part of the Annual Town Meeting devoted to the election of officers and the determination of such questions as by law or by this chapter are required to be elected or determined by ballot shall be held on a Tuesday in May not less than seven nor more than 15 days after the first date of said meeting, in accordance with the provisions of Article I, Bond Appropriations, of this chapter.

***Citizens' petitions seeking inclusion of an article on a Town Meeting warrant pursuant to MGL c. 39, § 10 may be submitted at any time prior to the date set by the Select Board for closure of the warrant. If no Town Meeting is scheduled at the time of the submission of a citizens' petition containing less than 200 signatures, it will be held for the next Town Meeting for which it has an adequate number of signatures. The warrant for a any Town Meeting shall***



*be closed no sooner than sixty (60) days before the first session of the subject Town Meeting, once opened, shall remain open for at least seven calendar days. The Select Board shall have the authority to insert any article, for in the warrant of the Annual any Town Meeting at any time before the posting of the text of the warrant for that the Annual Town Meeting as set forth in this chapter.*

### **25-3. Special Town Meeting.**

The balloting on all appropriations arising at a Special Town Meeting, the adoption of which is required by the provisions of Section ~~6~~ **25-1** of this chapter to be by printed ballot, shall be conducted in accordance with the provisions of Article I, Bond Appropriations, of this chapter not *fewer* less than eight nor more than 15 days after the said meeting, and the said meeting shall adjourn to such date as is determined for the purpose of balloting. The hours during which the polls shall be kept open for such balloting may be designated by the meeting.

The Select Board shall give ~~at least three calendar days'~~ notice of their intention to ~~open a warrant for~~ call a Special Town Meeting, by (1) publication in a newspaper published in, or having a general circulation in, the Town of Ipswich, (2) *by prominently posting notice in the Town Clerk's office and in the Ipswich Public Library, and (3) in 14-point font displayed on the home page of the Town website,* unless in their judgment public interest would suffer by such a delay.

The warrant for a Special Town Meeting, ~~once opened,~~ shall remain open for at least seven ~~ten~~ calendar days *following publication of notice, unless the Select Board determines that the public interest would suffer by such a delay.*

### **25-4. Warrants.**

In all warrants for *all* Town Meetings, the Select Board or Town Manager shall indicate after each article the Town board or officer requesting it, or if the subject of the article has been requested in writing by the required number of registered voters as provided in MGL c. 39, § 10, the name of at least one of the petitioners who signed the request.

*Notice of the date, time, and place of all Town Meetings shall be by publication in a newspaper published in, or having a general circulation in, the Town of Ipswich. The entire text of all warrants for all Town Meetings, except notices of adjournment, shall be served by prominently posting it in the Town Clerk's office and in the Ipswich Public Library as well as through a link included in an announcement published in 14-point font on the home page of the Town website.* ~~attested copies thereof in the Town Hall, and in at least one public place in each by publication in a newspaper published, or having a general circulation in, the Town of Ipswich, at least seven days prior to the time for holding the Annual Town Meeting and at least 14 days prior to the time for holding any Special Town Meeting. Newspaper publication shall not be required for warrants solely related to elections.~~

**Requested by: Town Moderator**  
**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 4-5 (Opposed)**  
**School Committee Recommend: 7-0**

*This article requires a simple majority vote.*

**Main Motion: I move to refer this Article to an *ad hoc* committee of three people: one designee of the Select Board, one designee of the Finance Committee, and the Town Manager; which committee, in consultation with the Town Moderator and Town Counsel, is to present an article of similar scope and content to the Annual Town Meeting in 2020.**

**The Select Board and the Finance Committee unanimously supported the Main Motion to move Article 11 to committee.**

**ACTION: Moderator declared Article 11 passed by 2/3<sup>rd</sup> vote.**

#### **Article Twelve – Change to Marijuana Bylaws**

*Main Motion Speaker: Spencer Kalker*

To see if the Town will amend the provisions of Chapter 160-1 of the General Bylaws as set forth below, or make any other changes to Chapter 160-1:

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

#### **160-1. Marijuana establishments forbidden.**

The operation of any marijuana establishment, as defined in MGL c. 94G, § 1, ~~including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer,~~ ***that conducts adult-use marijuana retail sales*** ~~marijuana retailer or any other type of licensed marijuana-related business,~~ within the Town is prohibited. ***Notwithstanding the provisions of the Protective Zoning Bylaw of the Town of Ipswich,*** this prohibition shall not apply to the sale, ~~distribution or cultivation,~~ ***processing, or testing*** of marijuana for ***adult use nor shall it apply to the sale, distribution cultivation, processing or testing of marijuana*** for medical purposes licensed under Chapter 369 of the Acts of 2012

**Requested by: Spencer Kalker**  
**7 Jewett Hill Road**  
**Ipswich, MA 01938**

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 8-1**

*This article requires a simple majority vote.*

**Main Motion: I move to amend Ch. 160 of the General Bylaws as set forth in Article 12 in the warrant for this town meeting, which amendment shall not be effective until 90 days after compliance with the posting/publishing requirements of G.L. 40, § 32.**

**ACTION: Moderator declared Article 12 passed by 2/3<sup>rd</sup> vote.**

A motion was made and declared carried by the Moderator to dissolve Town Meeting at 8:37 PM.

A True Copy Attest:

Amy S. Akell, MMC/CMMC  
Town Clerk