



TOWN OF IPSWICH
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Stephen Crane
Town Manager

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M E M O R A N D U M

TO: Members of the Select Board
FROM: Stephen Crane, Town Manager
Mary Gallivan, Assistant Town Manager
DATE: March 20, 2023
RE: Town Manager Report

Town Clerk

The deadline to pick up and return nomination papers is March 28. and dogs need to be licensed by March 31; late fees will be applied beginning April 1.

MBTA 3A

Attorney General Andrea Campbell issued an advisory on the Section 3A zoning law to clarify MBTA Communities must come into compliance with this law and cannot 'opt out' of or avoid this obligation by choosing to forego state funding. Communities that fail to comply may be subject to civil enforcement action and/or liability under federal and state fair housing laws. She underscored the purpose of Section 3A is to implement zoning reforms that permit reasonable levels of multifamily housing development near transit stations, with the aim of addressing the State's housing crisis along with its transportation- and climate- related goals. The Advisory is attached.

Health Department

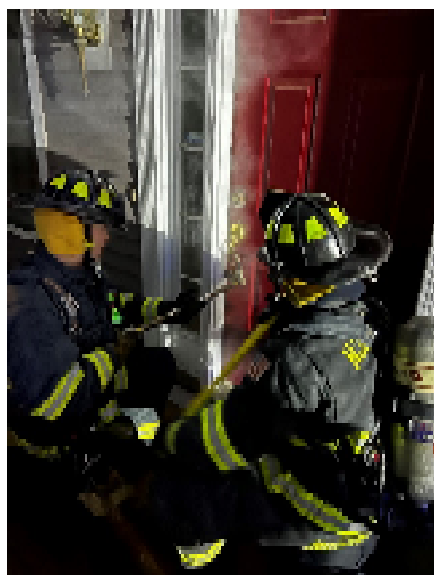
AS previously reported, the Public Health Department worked with MA Department of Public Health (MDPH) to obtain a sharps (lancets, needles and syringes) disposal kiosk at no cost to the community since the Town has a syringe services program. It is expected that MDPH will be delivering the sharps disposal kiosk by the end of March. The kiosk will be placed in the lower level of Town Hall outside of the COA cafeteria in the vicinity of the existing medication kiosk. Personal sharps containers that easily fit through the kiosk door will be available for those that need them since loose sharps can't be placed in the kiosk. This will be a great benefit to the community since the improper disposal of sharps can pose a health and injury risk to other adults, children and pets at home and housekeeping or janitorial staff in public settings.

Fire Department

The IFD recently received 2 sets of pneumatic bags used to lift heavy objects, often off of a trapped person. These bags can lift upwards of 25 Ton (50,000 pounds). They are used in coordination with wood cribbing. One of the photos shows the simulated lifting of a 30 yard dumpster off of a person trapped underneath. This could be a vehicle, a tree, a machine, a train, or anything that could trap or pin a person. This equipment was procured using funding through a grant from the Massachusetts Department of Fire Services. These bags are in service on the 2 front-line engines (Engines 2 and 4).

Ipswich, Rowley, and Topsfield recently conducted training evolutions together in two areas of operations: structural fires and water rescue. The owner of 80 Old Right Rd graciously allowed the Fire Departments to use the building that is being demolished to train on including conducting various fire operations and evaluations such as search and rescue, forcible entry, ventilation, hose stretches, and fire attack. Topsfield Fire Department trained with jointly with IFD at this location on Tuesday and Wednesday, March 7 and 8.

On Saturday, Rowley and Ipswich firefighters gathered at the Ipswich reservoir to train on cold water rescue operations utilizing Mustang survival suits and our OceanAid rescue boat. This realistic training gave both departments a chance to train using this equipment and train with each other, leveraging mutual aid resources. This type of training with mutual aid partners provides an opportunity to meet each other and work together under controlled conditions—making things are more seamless during emergency respnses. The IFD appreciates the support offered by Chief Jennifer Collins-Brown and Chief Mark Emery.

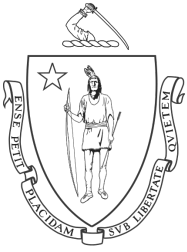


Water Department

The contractor working on the new Town Hill water tank will be resuming work at end of the month. The existing tank will be off line for several hours in early April to install new piping. Impacts to customer's water service are not expected during the work. The new tank is expected to be online by late summer. Annual hydrant flushing is scheduled for April 10–May 12. Notification was provided in this month's utility bill insert and additional outreach materials will be sent to customers in the coming weeks.

Boards, Committees and Commissions

National Grid, Town Counsel, Regional Animal Control group, Planning Director interviews, MADEP, Finance Committee, Public Safety Building working group



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Advisory Concerning Enforcement of the MBTA Communities Zoning Law

The Office of the Attorney General is issuing this Advisory to assist cities, towns, and residents in understanding the requirements imposed by the MBTA Communities Zoning Law (G.L. c. 40A, § 3A) (the “Law”). The Law was enacted to address the Commonwealth’s acute need for housing by facilitating the development of transit-oriented, multifamily housing. By any measure, Massachusetts is in a housing crisis that is inflicting unacceptable economic, social, and environmental harms across our state – particularly on working families and people of color. The Law directly responds to this crisis by implementing zoning reforms that require MBTA Communities to permit reasonable levels of multifamily housing development near transit stations.¹

Massachusetts cities and towns have broad authority to enact local zoning ordinances and by-laws to promote the public welfare, so long as they are not inconsistent with constitutional or statutory requirements.² The MBTA Communities Zoning Law provides one such statutory requirement: that MBTA Communities must allow at least one zoning district of reasonable size in which multifamily housing is permitted “as of right.”³ The district must generally be located within half a mile of a transit station and allow for development at a minimum gross density of fifteen units per acre.⁴ MBTA Communities cannot impose age-based occupancy limitations or other restrictions that interfere with the construction of units suitable for families with children within the zoning district.⁵ For example, the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants. The required zoning district must also allow for the construction of multifamily units without special permits, variances, waivers or other discretionary approvals.⁶ These measures can prevent, delay, or significantly increase the costs of construction. As directed by the Legislature, the Department of Housing and Community Development has promulgated guidelines regarding compliance.⁷ These guidelines provide

¹ An MBTA Community is a town or city which hosts MBTA service; which abuts a town or city that hosts service; or which has been added to the Transit Authority pursuant to a special law. *See* G.L. c. 40A, § 3A(a)(1); G.L. c. 40A, § 1. Currently, there are 177 MBTA Communities in Massachusetts. A list of these MBTA Communities, and other information related to the Law, can be found [here](#).

² *See generally* Mass. Const. Amend. Art. 89 (amending Mass. Const. Amend. Art. 2); G.L. c. 40A, § 1 et seq. (the “Zoning Act”).

³ G.L. c. 40A, § 3A(a)(1) (requiring that MBTA Communities “shall have” a compliant zoning district).

⁴ *Id.*

⁵ *Id.*

⁶ G.L. c. 40A, § 1A.

⁷ G.L. c. 40A, § 3A(c) (“The [D]epartment . . . shall promulgate guidelines”); Department of Housing and Community Development, *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* (revised October 21, 2022).

additional information and benchmarks to be utilized in determining whether MBTA Communities are complying with the Law.

All MBTA Communities must comply with the Law. Communities that do not currently have a compliant multi-family zoning district must take steps outlined in the DHCD guidelines to demonstrate interim compliance. Communities that fail to comply with the Law may be subject to civil enforcement action.⁸ Non-compliant MBTA Communities are also subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding.⁹ Importantly, MBTA Communities cannot avoid their obligations under the Law by foregoing this funding. The Law requires that MBTA Communities “shall have” a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement.¹⁰

MBTA Communities that fail to comply with the Law’s requirements also risk liability under federal and state fair housing laws. The Massachusetts Antidiscrimination Law¹¹ and federal Fair Housing Act¹² prohibit towns and cities from using their zoning power for a discriminatory purpose or with discriminatory effect.¹³ An MBTA Community may violate these laws if, for example, its zoning restrictions have the effect of unfairly limiting housing opportunities for families with children, individuals who receive housing subsidies, people of color, people with disabilities, or other protected groups.

⁸ *See, e.g.*, G.L. c. 12, § 10 (the Attorney General shall take notice of “all violations of law” and bring “such...civil proceedings before the appropriate state and federal courts...as [s]he may deem to be for the public interest”); G.L. c. 231A, § 2 et seq. (authorizing declaratory judgment actions to “secure determinations of right, duty, status, or other legal relations under...statute[s]”).

⁹ G.L. c. 40A, § 3A(b).

¹⁰ G.L. c. 40A, § 3A(a)(1).

¹¹ G.L. c. 151B § 1 et seq.

¹² 42 U.S.C. § 3601 et seq.

¹³ *See, e.g.*, G.L. c. 151B, § 4(4A) (prohibiting activities that interfere with the exercise or enjoyment of fair housing rights); 804 C.M.R. § 2.01(2)(f)-(h) (Antidiscrimination Law applies to “persons who...interfere with another person in the exercise or enjoyment of any right under M.G.L. c. 151, § 4...persons who directly or indirectly prevent or attempt to prevent the construction, purchase, sale or rental of any dwelling or land covered by M.G.L. c. 151B, § 4...[and] persons who aid or abet in doing any illegal acts...”); 804 C.M.R. § 2.01(5)(f) (“Examples of unlawful housing practices include...to pass an ordinance that unlawfully denies a dwelling, commercial space or land to a person or group of persons because of their protected status.”).

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Ipswich Police Department

Paul A. Nikas,
Chief of Police
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FOR IMMEDIATE RELEASE

Thursday, March 9, 2023

Contact: Robert Mills
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Ipswich Police Department Arrests and Charges Man with Drug Possession Thanks to Tip from Business Owner

IPSWICH — Police Chief Paul Nikas reports that the Ipswich Police Department arrested and charged a Chestnut Hill man with drug charges after responding to a report of suspicious activity from a local business owner.

DAMIEN THORNTON, AGE 40, OF CHESTNUT HILL, was arrested and charged with:

- Possession of a Class A Substance (Fentanyl)
- Possession of a Class B Substance (Cocaine)

On Wednesday, March 8, at approximately 4:24 p.m., Ipswich Police received a report from a local business owner of suspicious activity in the area of Topsfield Road.

The business owner reported that an unknown man and woman were dropped off at his business, and that the male appeared to be hiding several bags and backpacks behind his store.

Responding Officers Dan Holway and Dave Moore discovered the man, later identified as **THORNTON**, behind the business. Upon initial investigation Officers Holway and Moore determined **THORNTON** possessed numerous bags of personal belongings, with several items of drug paraphernalia in plain sight.

The officers were joined by Detective Edward Gallivan, who performed a field test to confirm that substances found on **THORNTON's** person were fentanyl and cocaine.

THORNTON was taken into custody at the scene. During booking, it was learned that **THORNTON** was also wanted on three default warrants from local courts.

THORNTON was arraigned Thursday Ipswich District Court, where he was ordered held on \$500 cash bail, while his bail on his previously pending cases was revoked.

These are allegations. All suspects are considered innocent until proven guilty.

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A message from the Ipswich Police Department

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