

Town of Ipswich Finance Committee Report



For the Special Town Meeting
Monday, October 15, 2012



October 3, 2012

Finance Committee Report Regarding the Special Town Meeting of October 15, 2012

To the Citizens of Ipswich:

The Finance Committee is pleased to present this report for the Special Town Meeting of October 15, 2012. This year's warrant contains Articles which amend the fiscal year 2013 (FY 2013) Municipal and School Budgets, previously approved at the May, 2012 Annual Town Meeting, as well as Articles which impact planning, zoning, and other concerns important to the Town.

The Finance Committee Report is divided into three sections: (1) Summary of Warrant Articles, (2) A Primer on the Town Meeting Major Players and Key Terms (from the Town Moderator), and (3) an explanation of the Warrant Articles showing the votes by the major Town Boards.

Summary of Warrant Articles

Article One authorizes the Town to pay bills which were incurred before the end of the Fiscal Year 2012 budget cycle, but were received too late to pay before the closing of the 2012 books (**\$24,434.92**). This is basic housekeeping for bills typically received after the close of business for every fiscal year. The Water Fund will pay the \$11,406.35 to water related expenses. Free Cash will fund bills associated with Legal (**\$2,911.00**) and DPW (**\$10,117.57**). Free Cash includes actual receipts in excess of revenue estimates and unspent amounts in departmental budget line-items for the year just ending, plus unexpended Free Cash from the previous year. Free Cash is simply surplus funds flowing from the operating budgets of previous fiscal years. Using Free Cash affects the taxpayer by depleting resources that could be used to reduce taxes in subsequent fiscal years, and by reducing the town's Fund Balance or net assets. The Free Cash expenditures in Article One comprise about **\$2.17** for each Ipswich household.

The Finance Committee unanimously supports this article.

Articles Two amend various appropriations pertaining to the FY 2013 Municipal Budget approved at the May, 2012 Annual Town Meeting. At the time the budgets were presented to the Annual Town Meeting, the state had not finalized its budget and, thus, the town was compelled to rely on estimates of state revenues and charges. Since that time, the state has made additional Local Aid revenue available. This article appropriates a portion of this revenue to the Municipal budget (**\$30,963**) for various small capital projects and health

insurance expenses. In addition, this article appropriates **\$75,000** from the Waterways Improvement Fund to the Harbormaster Budget for the purchase of a new Harbormaster's patrol boat. Finally, it appropriates **\$68,000** from Free Cash to the Police Department budget for the purchase of two new Police Interceptors. The Free Cash expenditures comprise about **\$11.33** for each Ipswich household.

The Finance Committee supported this article on a 4-2 vote. Dissenting and other members expressed concern that the municipal budget, addressed at the Annual Town Meeting, is the appropriate opportunity to consider non-emergency capital expenditures. Moreover, the town should have a vehicle replacement policy that is incorporated in a capital plan within the town budget for Annual Town Meeting.

Article Three amends various appropriations pertaining to the FY 2013 School Budget approved at the May, 2012 Annual Town Meeting. As similarly expressed regarding Article 2, at the time the budgets were presented to the Annual Town Meeting, the state had not finalized its budget and, thus, reliance was placed on estimates of state revenues and charges. Since that time the state has made additional Local Aid revenue available. This article appropriates a portion of that revenue to the School budget (**\$187,437**). In addition, this article appropriates **\$112,645** from free cash to reimburse the School Department for Federal Medicaid funds deposited into the General Fund during Fiscal 2012. This is an annual routine transfer in which Medicaid funds for the Schools flows into the town budget one year and back to the Schools the next.

The Finance Committee unanimously supports this article.

Articles Four allows the Town to invest its special Other Post Employment Benefits (OPEB) Liability Trust Fund with the Pension Reserves Investment Trust (PRIT) fund, the \$48 Billion fund that invests the State's retirement funds, along with other local retirement funds throughout the state. Essex Regional Retirement System, which includes Ipswich, invests in the PRIT fund. Investing in the PRIT fund, a sophisticated investor, has a greater chance of creating higher long term gains and continuing to reduce our OPEB liability at a quicker rate than investing the money through the town's systems.

The Finance Committee unanimously supports this article.

Article Five allows accessory Ground-Mounted Solar Photovoltaic Installations (GSI) in commercial and industrial districts, and commercial GSIs by special permit in most districts, and by right in the Industrial District. This brings the bylaw into closer compliance with Chapter 40A of the Mass General Laws. Although solar collection facilities are allowed in Ipswich, the current zoning bylaw only allows them as an accessory use. Thus, while many residents and businesses already employ solar systems, the prospect of commercial Ground-Mounted Solar Photovoltaic Installations on leased land in town is a new one. Commercial ground mounted solar systems located in Ipswich will expand our tax base.

The Finance Committee supported this article with an amendment in a 4 to 3 vote. Although generally supportive of GSIs, the majority was concerned about the installation of these facilities in residentially zoned areas, as the article allows. The minority thought that the provisions in the article were adequate to protect residential areas, and that open, off the road, areas zoned residential comprise suitable sites for GSIs.

Article Six provides relief from the current special permit process to residential property owners, of parcels less than an acre in size, who seek to keep chickens via a regulated certificate of inspection process. Under the proposed zoning provision, no roosters are allowed, and the maximum number of hens is determined by lot size. The Animal Control Officer will administer the certification and inspection program associated with these changes. *The Finance Committee supported this article on a 4-2 vote.*

Article Seven clarifies Affordable Housing regulations and modifies several definitions. It also allows the Planning Board to accept payment to the Affordable Housing Trust Fund, in lieu of providing affordable units in assisted care facilities. Since the service fees in assisted living facilities typically are larger than the rents, an affordable rent alone, now required by the existing zoning bylaw, would usually be insufficient to result in an occupied affordable assisted living unit, since the service fee would remain at market rate. Unless revised, the current requirement for affordability in a new assisted care facility may result in vacant affordable assisted living units that are vacant.

The Finance Committee supported this article on a 5-1 vote.

Article Eight addresses ambiguities, omissions, or inadequacies in the current zoning by-laws. *The Finance Committee unanimously supports this article.*

Article Nine allows for a change in designation for portions of a Great Estates Preservation Development (GEPD) as long as there are 60+ acres remaining to keep the property designated as a Great Estate. Currently, to apply for a GEPD, a property owner's lot must not only be at least sixty acres in size, but also have remained unchanged in configuration after 1996. There is an effort underway by a local land trust and the Sisters of Notre Dame to establish a conservation restriction over 80 acres of their land on Jeffreys Neck Road. The current language of the GEPD provision would make this property ineligible for GEPD if such a conservation restriction were implemented. This article adjusts GEPD to exempt lot reconfigurations associated with land conservation.

The Finance Committee unanimously supports this article.

Respectfully submitted,

FINANCE COMMITTEE - TOWN OF IPSWICH

Michael J. Schaaf, Chairman
Larry Seidler, Vice – Chairman
Jamie M. Fay
Mitch Feldman
Richard F. Howard
Ingrid Miles
Marion W. Swan
Robert A. White
Todd Wilson

TOWN MEETING: MAJOR PLAYERS AND KEY TERMS

Open town meeting has been the basic form of local government in New England for hundreds of years and its origins have been traced back for almost 1,000 years in the Old World. This is pure democracy; where citizens directly administer the affairs of the town.¹ Registered voters are invited (technically “warned” by the **Warrant**) to assemble as citizen-legislators and participate in the future of the town by enacting by-laws and voting on items. The Ipswich by-laws provide that the Annual Town Meeting is the second Tuesday in May and, typically, our Special Town Meeting is in mid-October. All registered voters can vote in town meetings. Non-registered visitors can attend but not vote. Visitors are seated in a separate section to make counting votes easier.

Following is a general overview of the major players involved and the key terms used in Ipswich town meetings. A more detailed description of the town meeting process is available in the Town Charter, our by-laws, and the manual used at town meeting. Ipswich does not use Robert’s *Rules of Order* but *Town Meeting Time, A Handbook of Parliamentary Law* (Mass. Moderators Association, Third Ed., 2001), which is available in the Ipswich Public Library.² For more information go to *Citizen’s Guide to Town Meeting* on the Citizen Information Service page of the Secretary of the Commonwealth’s website (www.sec.state.ma.us/cis/cistwn/twnidx.htm).

THE PLAYERS

Any town meeting requires, at a minimum, a **Warrant**, a **Quorum**, a **Moderator**, and a **Clerk**. Usually, however, some or all of the other actors below are also involved in town meeting:

QUORUM: Ipswich by-laws require a quorum of two-hundred registered voters. They are the ultimate decision makers; their decisions are binding on the Town and its elected officials, unless the decision requires a ballot vote such as a Proposition 2 ½ override.

MODERATOR: The presiding officer at all town meetings is the Moderator, who in Ipswich is elected for a one-year term. According to State law the Moderator’s primary responsibility is to “preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes.”

CLERK: Appointed by the Town Manager, the Town Clerk is responsible for distributing the Warrant, keeping a tally of the votes, and producing the record of town meeting votes.

BOARD OF SELECTMEN: A five-member executive board, each elected for a three-year term, they are responsible for setting the time and place of town meetings and act on the Town’s behalf on various matters between the town meetings.

SCHOOL COMMITTEE: A seven-member executive board/committee, each elected for a three-year term, they are required by State law to be responsible for various matters affecting our public schools.

FINANCE COMMITTEE: A nine-member advisory committee appointed by the Moderator, Selectmen, and Annual Town Meeting; this committee is responsible for investigating costs, maintenance, and

¹ Thomas Jefferson called it the “wisest invention ever devised by the wit of man for the perfect exercise of self government and for its preservation.”

² Fun fact: *Town Meeting Time* repeatedly relies on *The Body of Liberties*, written in 1641 by Ipswich’s own Rev. Nathaniel Ward, which is said to be the first law book in the New World.

expenditures of the different Town departments. All Articles on the Warrant (except those providing for the election of Town officers) are to be referred to this Committee which is responsible for conducting an in-depth analysis of each Article and later making recommendations to the town meeting.

PLANNING BOARD: State law requires this Board to make plans for the development of the Town and also to provide the Board of Selectmen with a report and recommendations.

TOWN MANAGER: The chief fiscal officer of the Town, this person supervises and directs the administration of all departments, boards, and offices subject to her appointment.

TOWN COUNSEL: Appointed by the Town Manager, Town Counsel is responsible for making legal decisions and advises the Moderator as needed.

THE TERMS: HOW TO ADDRESS & MAKE MOTIONS

WARRANT: The Warrant is the agenda for the meeting. It has a number of Articles, each describing some general subject to be discussed. State law provides that it is to be assembled by the Board of Selectmen which states the time and place of the meeting. It must be posted by the Constable at least seven days before the Annual Town Meeting and fourteen days before a Special Town Meeting. A copy of the Warrant is usually mailed to all residents and is available on the Town's website (www.ipswich-ma.gov). Our by-laws require it be properly posted and published in a local newspaper. Articles on the Warrant may be proposed by Town boards or committees or by a citizen's petition, and the process for doing so is spelled out in a state statute. The purpose of a Warrant is simply to give everyone fair warning of what to expect at the meeting.

ARTICLE: An Article on the Warrant is not by itself a self-starting "motion" but only defines the scope of the Main Motion to be addressed, debated, and voted. *We never vote on an Article; we vote on motions;* an Article is usually general while a motion must be specific. An Article usually begins with the words "To see if the Town will ..." and goes on to outline the limits of the subject matter for the Main Motion. For example, the Article may simply read "To see if the Town will buy a police cruiser using up to \$50,000 from free cash, or take some other action thereto."

MAIN MOTION: When a sponsor announces an Article, s/he usually does so by saying "I move that the Town ..." For example, s/he might say, "I move that the Town of Ipswich buy a *brand-new* police cruiser for up to \$40,000." That then becomes the Main Motion under the Article. The Moderator will then ask for a second, which must be from a voter other than the original mover. If seconded, the motion may be debated or amended before being voted (yes or no), postponed, or otherwise disposed of.

OTHER MOTIONS: After being recognized by the Moderator any registered voter can make a motion. These motions fall into three groups which are ranked in order of priority: 'Privileged Motions' are the highest and deal with the conduct of the meeting *generally* (e.g., a motion to dissolve or point of no quorum). 'Subsidiary Motions' deal directly with the *Main Motion* at hand (e.g., someone moves to amend or to postpone indefinitely). 'Incidental Motions' deal with the conduct of the meeting as it relates to the *pending business* (e.g., a point of order or suspension of the rules).

FOUR CORNERS: This is a term to describe how broad a motion can be and the range of what one can say. Because the Warrant is a warning of the topics to be discussed, Main Motions must be within its Four Corners. Therefore, anyone addressing a topic needs to speak directly to the topic; within the Four Corners of the Article as if it were written on a piece of paper. This is a judgment call for the Moderator who may give a speaker a little wiggle-room but must keep things moving and is responsible for keeping the speaker focused and on point.

MOTION TO AMEND: This is an example of a ‘Subsidiary Motion’ because it addresses the Main Motion (e.g., “I move to amend the Main Motion and limit the purchase of the police cruiser to a *used* police cruiser with no more than \$25,000 from free cash.”) Someone making this motion cannot interrupt a speaker and must have a second.

MOVE THE QUESTION: This is another ‘Subsidiary Motion’. The exact term is to *Move the Previous Question* but the shorthand – *Move the Question* – will do the trick. It simply means the speaker has heard enough and wants to stop debating the topic. S/he cannot interrupt a speaker, there must be a second, and if two-thirds of the body agrees we stop debating and vote on the topic we just finished debating (e.g., whether to amend the Main Motion).

POINT OF ORDER: This is an example of an ‘Incidental Motion’, a fancy way to say somebody has a question about the conduct of the meeting (maybe s/he can’t hear, or another speaker isn’t entitled to speak, or the topic discussed is frivolous). Technically, it is not a motion so there is no need for a second or debate and someone *can* interrupt the speaker with this tool. The Moderator will decide the point without debate.

ADDRESSING THE MEETING: When someone wishes to speak s/he simply approaches the microphone on the floor and must wait to be recognized by the Moderator. Speakers then state their names and addresses and say what they have to say on the topic. A speaker may continue, usually for up to about five minutes, as long as she speaks directly to the Article under discussion (i.e., within its ‘Four Corners’). More complicated matters may require more than five minutes. Any comments and questions are to be addressed to the Moderator; speakers who address anyone else directly are out of order and the Moderator is responsible for keeping order.

RECOUNTING THE VOTE: Our by-laws state that if, after the Moderator declares the results of a voice vote, “at least seven voters” stand up and question the result the Moderator must then actually count the votes by a show of hands. After that there is no further challenge.

I hope this summary has been helpful in explaining the town meeting process, the long-term goal being to encourage more people to participate. Town meeting is a critical part of our local government. Your participation keeps it alive and well, helps maintain the character of our Town, and improves the governance of Ipswich.

If anyone has any questions, feel free to contact the Moderator.

Tom Murphy
Town Moderator TRMurphy@trmlaw.net

Rev: September 19, 2012

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**Warrant Articles and Synopses for the October 15, 2012
Special Town Meeting**

Note: The following is a summary of each warrant article. A complete text of the warrant articles is available at Town Hall and on the Town’s web site (www.town.ipswich.ma.us), and will be available at the Town Meeting. For planning purposes, the fiscal impact is shown for each article.

ARTICLE 1 **UNPAID BILLS**

Summary:

This is a standard article to pay any unpaid bills incurred in prior fiscal years and remaining unpaid. This article will raise and appropriate **\$24,434.92** to pay unpaid bills incurred at the end of FY’12.

<u>ACCOUNT</u>	<u>VENDOR</u>	<u>AMOUNT</u>	<u>TOTAL</u>
<u>1.</u> LEGAL	Donn Berry	\$2,911.00	\$2,911.00
<u>2.</u> DPW	Enpro	\$8,471.27	
	Enpro	\$1,646.30	
\$10,117.57			
<u>3.</u> WATER	Wright-Pierce	\$3,755.32	
	Wright-Pierce	\$6,666.03	
	New England Water Works	\$985.00	
\$11,406.35			
	Grand Total:		\$24,434.92

- 1) The Donn Berry legal bills were incurred in June 2012 and arrived after the FY 2012 books were closed on July 15.
- 2) The Enpro charges were incurred in June 2012 and arrived after the FY 2012 books were closed on July 15.
- 3) The Wright Pierce Engineers bill was for work done on the Chlorine Dioxide System at the water plant. The work was done in May 2012 but was not billed until July 2012 after the books had been closed on July 15. The New England Water Works bill was for training that was billed after the FY 2012 books were closed on July 15.

This requires a 9/10 majority vote.

Board of Selectmen: Approve (5-0)
Finance Committee: Approve (6-0)

ARTICLE 2**FY'13 TOWN BUDGET AMENDMENTS**

To see if the Town will vote to amend its action previously taken under Article 5 of the May 8, 2012, Annual Town Meeting (the FY'13 Municipal Operating Budget), to:

- 1) appropriate **\$17,200** in additional Local Aid from the Commonwealth of Massachusetts to Facilities Department to fund the following projects:
 - a. Complete repairs to Cemetery Office and Garage (replace overhead door, office door and windows, and related repairs): \$5,500;
 - b. Cost overrun on repairing sidewalks at Town Hall: \$3,300;
 - c. Wiring, equipment and modifications to outfit the Emergency Operations Center in Town Hall: \$8,400;

- 2) appropriate **\$13,763** in additional Local Aid from the Commonwealth of Massachusetts to Health Insurance;

- 3) appropriate **\$75,000** from the Waterways Improvement Fund to the Harbormaster Budget for the purchase of a new Harbormaster's patrol boat;

- 4) appropriate **\$68,000** from free cash to the Police Department budget for the purchase of two (2) new Police Interceptors;

or to take any other action relative thereto.

(Requested by: Board of Selectmen)

Summary:

- 1) Facilities Department projects
 - a. The Capital Budget included \$14,000 for renovation to the Cemetery Office. However, in March the oil burner in this facility failed and \$4,200 of Capital Funds were used to repair the burner. These unanticipated costs were not originally part of the renovation.
 - b. The original appropriation for sidewalk repair at Town Hall was \$37,534, actual costs exceeded this amount.
 - c. The Town Manager has directed that the Emergency Management Director and Facilities Director modify a room in the Town Hall to serve as the Emergency Management Center (EOC). Presently, the Town has no EOC and nowhere to store and set up emergency operation equipment. The Massachusetts Emergency Management Agency (MEMA) has reviewed the plans and the town is prepared to move forward on basic set up for an EOC.

- 2) Health insurance costs fluctuate during the year with changes in employee coverage. Additional funds from supplemental Local Aid will be used to offset unanticipated health insurance expenses during FY' 2013.

- 3) The current Harbormaster patrol boat was purchased for \$73,500 in the spring of 2007. This boat, although once effective, is not a commercial grade boat and has over 1650 hours of service time on its engine. It has outperformed its service life, has seen a dramatic increase in maintenance costs and should be replaced while it still has some trade-in value. The new commercial grade boat will be "job specific" for water rescues and law enforcement patrols. Replacing the boat at this time allows for the bid process, with

department specifications, to proceed in a timely manner. Additionally, it provides time for the boat to be built, delivered and ready for service in late spring 2013. Funding for this patrol boat would be entirely out of the Waterways Improvement Fund, which is a special revenue account funded annually by all mooring fees, all launch fees and 50% of state personal property tax collections on boats. The current balance of the Waterways Improvement Fund is \$75,627.40.

- 4) The Police cruiser fleet is old and in poor condition. Due to hours and miles put on cruisers, cruisers should be replaced every 2 ½ - 3 years. Based on a cruiser fleet of 6, front line vehicle schedule should be 2-2-1-1 replacement schedule. This schedule was implemented in 2007. Vehicle maintenance costs have begun to rise in an effort at keeping the aging fleet in service and safe for officers. The two vehicles being replaced are each "front line" cruisers with an excess of 115,000 miles of service time. One vehicle is a 2008 model and the second vehicle is a 2009 model. In addition to the cost savings on maintenance, advancements in vehicle design and technology will result in an increase of gas mileage of approximately 35% per vehicle.

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (4-2)

ARTICLE 3 **FY'13 SCHOOL BUDGET AMENDMENTS**

To see if the Town will vote to amend its action taken under Article 8 of the Warrant for the May 8, 2012, Annual Town Meeting (the FY'13 School Department Operating Budget), to:

- 1) appropriate **\$112,645** from free cash to reimburse the School Department for Federal Medicaid funds deposited into the General Fund during Fiscal 2012; and to
- 2) appropriate **\$187,437** from the additional Local Aid from the Commonwealth of Massachusetts to the School Department budget.

or to take any other action relative thereto.
Committee)

(Requested by: School

Summary:

- 1) \$112,645 from free cash to reimburse the School Department for Medicaid funds deposited into the General Fund during Fiscal 2012. This is a routine transfer. Medicaid funds are deposited into the General Fund each year and transferred from free cash to the School Department in the following fiscal year.
- 2) \$187,437 represents the schools share of the additional Local Aid

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (5-0)

School Committee: Approve (5-0)

ARTICLE 4 **ACCEPTANCE OF STATE LEGISLATION: OTHER POST EMPLOYMENT BENEFITS TRUST FUND**

To see if the Town will vote to accept M.G.L., Chapter 32B, Section 20, which governs group health insurance for active and retired employees of local governments and which

permits cities and towns to set up a special trust fund to be called, the Other Post Employment Benefits (OPEB) Liability Trust Fund, for appropriations made to cover the unfunded actuarial liability for health care and other post-employment benefits for retirees and name the Health Care Security Trust board of trustees as the custodian of the fund;

or to take any other action relative thereto.

(Requested by: Treasurer)

Summary:

M.G.L. Chapter 32B governs group health insurance for active and retired employees of local governments. A local option section, Section 20, permits cities and towns to set up a special trust fund to be called, the Other Post Employment Benefits (OPEB) Liability Trust Fund, for appropriations made to cover the unfunded actuarial liability for health care and other post-employment benefits for retirees. For a town, acceptance is made by a vote at town meeting. Ipswich accepted this section at the 2009 ATM and currently has an OPEB trust fund. However, changes have been made to this section as of June 30, 2011, and a new vote at town meeting must be made to allow the Town to take advantage of the new language in the section.

The 2009 vote named the Treasurer of Ipswich as the custodian of the fund. The new language allows the Town to name the Health Care Security Trust board of trustees as the custodian of the fund. The Health Care Security Trust manages the state's OPEB Trust Fund and invests the money with the Pension Reserves Investment Trust (PRIT) fund; the \$48 Billion fund that invests the State's retirement funds along with other retirement funds throughout the state. Essex Regional Retirement System, which includes Ipswich, invests in the PRIT fund. Investing in the PRIT fund has a greater chance of creating higher long term gains and continuing to reduce our OPEB liability at a quicker rate than investing the money from within the town.

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (6-0)

ARTICLE 5 GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

This requires a 2/3 majority vote.

Summary:

Within the past year several large property owners in Ipswich have been approached by commercial solar collection businesses about leasing a portion of their land to operate a commercial ground-mounted solar photovoltaic installation. They in turn have contacted the Town to gauge its interest in purchasing the generated electricity, as well as to learn about the approval process for such facilities.

Although solar collection facilities are allowed in Ipswich, the current zoning bylaw only allows them as an accessory use. Thus, while many residents and businesses already employ solar systems, the prospect of commercial Ground-Mounted Solar Photovoltaic Installations (GSI) on leased land in town is a new one, and the bylaw does not permit, or make any other provision for, other types of solar apparatus, including large-scale commercial facilities. As such, it may be in conflict with Chapter 40A, Section 3 of the Mass General Laws, which states that: "No zoning ... bylaw shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare."

This article, by changing the Table of Uses to allow commercial solar facilities by special permit in most districts, and by right in the Industrial District, brings the bylaw into closer compliance with the statute. By providing a reliable framework for the development of GSIs, as well as standards for their approval and operation, the article also supports the Town's goals of reducing carbon emissions and supporting green energy, while ensuring that large facilities are safe, operational, and minimally destructive to open space and agricultural land. The proposed bylaw, which is based on a model zoning bylaw prepared by the Mass. Department of Energy Resources and the Mass. Executive Office of Environmental Affairs, requires removal of inoperable facilities and is specifically drafted to exempt small, personal GSIs from onerous regulatory roadblocks.

The requirements for GSI are set forth in three tiers. The first tier applies to all systems. These requirements relate to legal compliance, building permits, documentation, and proper maintenance. A second tier of requirements apply only to GSI that would qualify as principal uses. These contain special dimension and density requirements, specific design standards, additional safety requirements, requirements for abandoning and decommissioning, and a financial surety requirement. The financial surety is to ensure that a commercial developer leasing private land from Ipswich residents will put forth the funds to remove infrastructure from the land should the GSI stop operating.

The final tier of requirements involves criteria that the Planning Board should consider when reviewing a GSI special permit application beyond those which it considers for all special permit applications. These criteria are specifically designed to address concerns about the possibility of GSIs degrading the natural, historical, and agricultural character of Ipswich. The criteria provide a mechanism for the Planning Board to balance the general need for alternative energy with the specific features of proposed sites.

Board of Selectmen: Approve (5-0); subject to favorable recommendation by Planning Board of proposed amendment

Finance Committee: Approve (4-3) with an amendment that excludes commercial GSIs in residentially zoned areas.

ARTICLE 6

KEEPING OF BACKYARD CHICKENS

This requires a 2/3 majority vote.

Summary:

Across Massachusetts, there has been a movement towards locally produced food. As residents become engaged in supporting local agriculture, their inclination is to raise food themselves as well as purchasing it from local farmers. Ipswich is no exception. The last two years has seen an increase in interest in keeping chickens for eggs. Interested residents learned that that keeping chickens on residential properties under an acre in size requires a special permit from the Zoning Board of Appeals. Some residents consider this process to be unnecessarily burdensome and costly. Information presented to the Town by a resident suggested that many surrounding communities have a less involved process for the permitting of the keeping of chickens than Ipswich does. In response, the Board of Selectmen last fall requested that the Planning Office review the provisions in the zoning bylaw and suggest changes for consideration, with an emphasis on trying to simplify the current process.

This summer, the Planning Office formed a working group comprised of the Town Health Agent, the Animal Control Officer, a Zoning Board of Appeals member, an Agricultural

Commission member, two Planning Board members, an Agricultural Study Implementation Committee member, the Assistant Building Inspector, an expert on poultry-raising and a resident who keeps chickens. Under the direction of the working group, planning staff prepared this zoning article, the purpose of which is to provide relief from the special permit process to residential property owners of parcels of *less than an acre* in size who seek to keep chickens via a regulated certificate of inspection process. Under the proposed zoning provision, no roosters are allowed, and the maximum number of hens (roosters are prohibited from being kept under the provision) is determined by lot size, as follows:

- Lots up to 10,000 square feet in size – six hens
- Lots between 10,000 square feet and 21,000 square feet in size – ten hens
- Lots greater than 21,000 square feet but less than 43,560 square feet in size – 14 hens

The process also requires households seeking to keep chickens in their backyards obtain a certificate or approval from the Town Animal Control Officer or the Board of Health, as may be required by a separate bylaw or regulation. It is anticipated that a future Town Meeting will be asked to adopt a general bylaw that would be supported by regulations to further govern this process.

Board of Selectmen: Approve (5-0)

Finance Committee: Approve (4-2)

ARTICLE 7

AFFORDABLE HOUSING REVISIONS

This requires a 2/3 majority vote.

Summary:

Ipswich's zoning bylaw includes several provisions that encourage or require the development of housing units that are affordable to households that earn at least 20% less the regional median household income (i.e. \$81,250 for family of four). In general, these regulations have worked very well, but during their application over the years the Planning Office, the Affordable Housing Partnership/Trust Fund, and the Planning Board have identified specific provisions that could be clearer or could provide more flexibility to the development community. The specific changes proposed under this article are as follows:

- 1) Modify the way the bylaw currently describes the density bonus option available to residential development in the RRA and RRB Districts, by no longer listing both one acre and two acres in the table of uses as the minimum lot size, and by modifying the referenced provisions – Footnote 25 and 26 -- accordingly. This modification does not change the intent or substance of the provision, just the way that it is presented.
- 2) Modify Section IX.I.2.b to make it absolutely clear that the exemption from the inclusionary housing requirement provided within it for developments that create only one additional buildable lot does NOT require that dwelling unit to be subject to an affordable housing restriction, as has been suggested by an attorney representing a client opposing a Planning Board approval.
- 3) Modify the definition of affordability for ownership and rental dwelling units in Section IX.I.4 by authorizing the Planning Board to waive strict compliance with what constitutes affordability if it determines that strict compliance is not in the public interest.

- 4) Authorize Planning Board to be able to accept payment in lieu of funds for assisted living facilities of ten units or more rather than to provide at least 10% of their units as affordable, either on-site or off-site, but only if the Board determines it is the most appropriate and feasible way of satisfying the affordable housing objective.

The article stipulates that prior to allowing the alternative requirements described in 3) and 4) above, the Planning Board must consult with and seek the consent of the Ipswich Affordable Housing Partnership. The article also directs the Planning Board to advise the Affordable Housing Trust Fund to give preference on the use of funds received by Assisted Living Facilities to individuals 65 years of age or older.

Board of Selectmen: Approve (5-0); subject to favorable recommendation by Planning Board of proposed amendment

Finance Committee: Approve (5-1)

ARTICLE 8 MISCELLANEOUS ZONING AMENDMENTS

This requires a 2/3 majority vote.

Summary:

As the building inspector’s office and the planning office work with the zoning bylaw, they occasionally discover ambiguities, omissions, or inadequacies. The issues addressed by this article are:

- 1) The definition of lot width is unclear with respect to the point on the lot at which the width is measured.
- 2) There is no definition for “public recreational facility” as used in a density bonus provision (Footnote 11 to Table of Dimensional and Density Regulations) for multi-family housing in the Inclusionary Housing section of the bylaw.
- 3) The existing bylaw unnecessarily requires that developers get both ZBA and Planning Board approval on certain projects.
- 4) Inclusion of “hospice” as a public benefit in Footnote 11 in the Inclusionary Housing section is out-dated and inconsistent with the prevailing usage of the term.
- 5) Awning signs are allowed in some districts but not in the Central Business District and General Business Districts, where their use makes the most sense.
- 6) Current language governing issuance of building permits could be read to exclude permits for small sheds.

This article addresses these deficiencies as follows:

- (1) Amends “III. DEFINITIONS” by:

- o Adding language to the definition of lot width stating that lot width shall be measured at the corner of the principal building closest in distance to the property line;
- o Creating a definition of public recreational facility emphasizing that a public recreational facility must be a physical place that is owned or operated by the government;
- o Amends “V. USE REGULATIONS, Footnote 16” in “Footnotes to Use Regulations” by authorizing the Planning Board to grant special permits in instances where a use is subject to other Planning Board approval.

- (2) Amends “VI. DIMENSIONAL AND DENSITY REGULATIONS” by:

- Removing “hospice” from the list of acceptable public benefits that can be provided to increase the number of dwelling units pursuant to Footnote 11 in “Footnotes to Table of Dimensional and Density Regulations”;
- Amends “VIII. SIGNS” by adding “awning sign(s)” to the list of signs permissible in the Central Business District and General Business Districts;
- Amends XI. ADMINISTRATION.B.XI.B. such that the first paragraph includes both building and shed permits.

Board of Selectmen: Approve (5-0); subject to favorable recommendation by Planning Board of proposed amendment
Finance Committee: Approve (6-0)

ARTICLE 9

GREAT ESTATES REVISION

This requires a 2/3 majority vote.

Summary:

This article relates to the eligibility requirements for a Great Estates Preservation Development (GEPD). Currently, to apply for a GEPD, a property owner’s lot must not only be at least sixty acres in size, but it must also not have changed in configuration after 1996. The purpose of the latter requirement is to prevent a property owner from trying to create an additional GEPD-eligible estate by subdividing off a sixty plus acre parcel from a property that has more than twice this area.

There is an effort underway by a local land trust and the Sisters of Notre Dame to establish a conservation restriction over 80 acres of their land on Jeffreys Neck Road. Because of the complexities of the land valuation process, it may be necessary to pursue a fee acquisition rather than a restriction, but the current language of the GEPD provision would prevent this alternative approach from occurring. This article would adjust the language to exempt lot reconfigurations associated with land conservation, so that if a conservation conveyance does occur, then the Sisters or a subsequent owner would still have the ability to develop the property as a GEPD. The proposed revision does not change the original intent of the great estates provision, nor does it affect any of the other Great Estate properties.

Board of Selectmen: Approve (5-0)
Finance Committee: Approve (6-0)

ARTICLE 10

RECONSIDERATION

To see if the Town will vote to reconsider any or all previous articles raising and/or appropriating money which have a direct impact on the tax levy for the next fiscal year, as contained in this warrant, for the purpose of completing a budget which is balanced and in compliance with the levy limit provisions of Proposition 2½, so called;

or to take any other action relative thereto.
Selectmen)

(Requested by: The Board of