

Commonwealth of Massachusetts

Town of Ipswich

Warrant for **Special** Town Meeting

TBD, 2020

Time - TBD



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 TBD, 2020 at 7:00 o'clock in the evening, then and there to act on the following articles, viz:

Index of Articles for Special Town Meeting – TBD, 2020		
Article #	Title	Submitted By
1	Single-Use Straw, Stirrer, and Hotstopper Ban	Select Board
2	Citizens Petition – Home Rule Petition for lowering the voting age in local elections	Lori LaFrance
3	Stabilization Funding	Select Board
4	Planning – Adult Use Marijuana	Planning Board
5	Planning – Registered Marijuana Dispensaries (RMD’S)	Planning Board
6	Planning – Clarification Amendment	Planning Board
7	New England Biolabs – Tax Increment Financing (TIF) Agreement	Select Board
8	Amend Chapter 25 – Town Meetings	Town Manager
9	Gov’t Study Committee – Waterways Committee Article	Gov’t Study Committee
10	Amend Chapter 138 – Demolition Review	Historical Commission
11	Amend Chapter 109 – Animals	Select Board
12	Funding for Peatfield Landing Non-Motorized Seasonal River Dock	Chief Paul Nikas, Harbormaster

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 – Single-Use Straw, Stirrer, and Hotstopper Ban

Submitted by: Select Board

To see if the Town will amend Chapter 172 of the General Bylaws of the Town of Ipswich as follows:
(Note: ~~strike through~~ indicates deletions; ***bold italics*** indicates additions.)

Article 3 Single-Use Straw, Stirrer, and Hotstopper Ban

§ 172-13 Purpose and Intent

The use and disposal of plastic straws, stirrers, and hotstoppers has significant negative impacts on marine and land environment including the following:

- (1) ***Plastic straws, stirrers, and hotstoppers are rarely recycled.***
- (2) ***Ipswich’s proximity to the ocean means that plastic straws, stirrers, and hotstoppers that are not disposed of properly have a high chance of ending up on beaches and in the sea.***
- (3) ***Plastic straws, stirrers, and hotstoppers take up to 200 years to degrade and are never fully absorbed by the planet.***
- (4) ***The degradation of plastic straws, stirrers, and hotstoppers releases chemicals toxic to wildlife, humans, and the environment.***
- (5) ***The United States uses and disposes of an estimated 500 million plastic straws every day.***

The Town of Ipswich has a duty to protect the natural environment, the economy, and the health of its citizens. This bylaw aims to uphold these duties by banning the dispensing of single-use plastic straws, stirrers, and hotstoppers within the Town of Ipswich.

§ 172-14 Definitions

For purposes of this section, the following definitions shall apply:

ASTM D6400 STANDARD: The testing standard to designate a plastic as “compostable” developed by the American Society for Testing and Materials. This label is placed on plastics that are intended to be composted under aerobic conditions in municipal or industrial composting facilities.

BEVERAGE PROVIDER: Any business, organization, entity, or group located in the Town of Ipswich that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

COMPOSTABLE STIRRER: A stirrer designated as compostable as it meets the American Society for Testing and Materials (ASTM) D6400 Standard.

COMPOSTABLE STRAW: A straw designated as compostable as it meets the American Society for Testing and Materials (ASTM) D6400 Standard.

FOOD ESTABLISHMENT: *An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a “Food Establishment” for purposes of this bylaw.*

PLASTIC HOTSTOPPER: *Any device, also known by the name “splash-stick,” that is used to block the hole in coffee lids, intended for single-use, and made from plastic materials including but not limited to those made from polypropylene, polyethylene, or polystyrene.*

PLASTIC STIRRER: *A device that is used to mix beverages, intended for only one-time use, and made from plastic materials including but not limited to polyethylene, polypropylene, and polystyrene.*

PLASTIC STRAW: *Any single-use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.*

RETAIL ESTABLISHMENT: *Any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling food, clothing, and personal items, dry cleaning services, and theaters.*

§ 172-15 Use Regulations

- A.** *No food establishment, retail establishment, or beverage provider within the Town of Ipswich shall use, provide, or distribute plastic straws, stirrers, and hotstoppers. Straws, stirrers, and hotstoppers specifically packed for retail sale are an exemption.*
- B** *Nothing in this section precludes food establishments, retail establishments, or beverage providers from using or making non-plastic alternatives, such as those made from paper, hay, compostable plastic, sugar cane, or bamboo, available to customers. Non-plastic alternative straws, hotstoppers, and/or stirrers may only be provided upon request by the customer.*
- C.** *It shall not be a violation of this bylaw for a food establishment, retail establishment, or beverage provider that distributes non-plastic straws to customers to provide a plastic straw, hotstopper or stirrer to an individual requesting one due to a disability or other physical condition that makes the use of alternative straws or stirrers unfeasible or unduly impractical.*

§ 172-16 Administration and Enforcement

Enforcement of this bylaw is the responsibility of the Town Manager or the Town Manager’s designee. Any establishment which violates any provision of this bylaw shall be subjected to the following penalties:

- A.** *Upon the first violation, the Town Manager’s designee shall provide the violator with written notice of such violation and issue a written warning that any subsequent violations shall result in the imposition of a fine. The violator will then be entitled to 30 days after receipt of such notice to cure the violation before imposition of the fine.*

- B. After the 30-day period, if the violation has not been cured, the following fines shall apply:*
 - (1) A fine of \$50 for the first violation following receipt of the written notice referred to in sub-section D. a above; and*
 - (2) A fine of \$100 for any further violation.*
- C. Each day that a retail establishment continues to distribute thin-film single-use straws, stirrers, and hotstoppers shall constitute a separate violation of this Section.*
- D. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one violation occurs, each condition violated shall constitute a separate offense.*
- E. Whoever violates any provision of this Section shall be penalized by a complaint brought by the Town in accordance with G.L. c. 40, § 21D.*

§ 172-17 Severability and Effective Date

- A. If any provision of this Section shall be declared invalid for any reason whatsoever, such decision shall not affect the remainder of this Section.*
- B. This Section shall take effect six months after its approval by the Attorney General in order to allow retail establishments to comply with these restrictions.*

Select Board Recommend: 5-0
Finance Committee Recommend:
School Committee Recommend: 7-0

MOTION:

I move to amend Chapter 172 of the Ipswich General Bylaws as set forth in Article One of the warrant for this town meeting.

Article 2 – Citizen’s Petition – Home Rule Petition for lowering the voting age in local election

Submitted by: *Lori LaFrance*
5 Sand Pebble Drive
Ipswich, MA 01938

To see if the Town of Ipswich will recommend to the Select Board that they file a home rule petition with the General Court substantially as follows, viz:

Notwithstanding Section 1 of Chapter 51 of the General Laws or any other general or special law to the contrary, any citizen who:

- (iv) is 16 years of age or older, and
- (v) meets the qualifications to be registered as a voter pursuant to Section 1 of Chapter 51 of the General Laws, except that of age, and
- (vi) is a resident of the Town of Ipswich at the time he or she registers or pre-registers to vote pursuant to said Chapter 51,

may vote therein in all town elections, participate and vote in all town meetings, participate and vote in town caucuses and sign all nominating, warrant, and other petitions authorized by town bylaws.

A person shall be a registered voter of at least 18 years of age to be eligible to serve in elected or appointed town offices or on boards, committees, or other official positions.

Select Board Recommend: 3-2 (In Favor)
Finance Committee Recommend:
School Committee Recommend: DNV

MOTION:

To petition the General Court to the end that legislation be adopted as set forth under Article Two of the warrant for this town meeting, and further to authorize the Select Board to approve amendments which shall be within the scope of the general public objectives of this petition.

ARTICLE 3 – 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.

Select Board Recommend: 5-0
Finance Committee Recommend:
School Committee Recommend: 7-0

MOTION:

I move to transfer the sum of \$100,000 from Free Cash to the Stabilization Fund.

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}	SPB ¹⁷ _{,36}	SPB ¹⁷ _{,36}	SPB ¹⁷ _{,36}	SPB ¹⁷ _{,36}	SPB ¹⁷ _{,36}	SPB ¹⁷ _{,36}	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
<i>Marijuana Transporter</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Any type of licensed marijuana-related business not included in this Table, except retail sales and a registered marijuana dispensary</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰

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.

Select Board Recommend: 5-0
Finance Committee Recommend:
School Committee Recommend: RATM

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Four of the warrant for this town meeting.

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* thousand (205,000) 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.

Select Board Recommend: 5-0
Finance Committee Recommend:
School Committee Recommend: RATM

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Five of the warrant for this town meeting.

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.

Select Board Recommend: 5-0
Finance Committee Recommend:
School Committee Recommend: DNV

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Six of the warrant for this town meeting.

ARTICLE 7 – New England Biolabs – Tax Increment Financing (TIF) Agreement

Submitted by: Select Board

To see if the Town will vote pursuant to MGL c. 40, Section 59 to approve the Tax Increment Financing Agreement between the Town of Ipswich, and New England Biolabs, substantially in the form as is on file with the Town Clerk (the “TIF Agreement”), which TIF Agreement provides for real estate tax exemptions at the exemption rate schedule set forth therein, and to authorize the Select Board to execute the TIF Agreement and to submit it to the Massachusetts Office of Business Development, all relating to the project as described in the TIF Agreement to be located at 240 County Road, Ipswich MA, and to take such other actions as may be necessary to implement the TIF Agreement, or take any other action relative thereto.

Summary: This agreement, if approved, will allow for an abatement of taxes for ten years, based upon the percentages outlined the agreement on the new growth from the proposed 100,000 square foot addition of new commercial space that New England Biolabs (Biolabs) is proposing. The Town of Ipswich will continue to receive taxes at the current assessed value, and the abatements will only be on the increase in the assessed value due to the addition. This agreement will obligate Biolabs to spend a minimum of 40 Million dollars on the project and generate 100 new jobs.

Over the past several years, many residents have seen their residential tax bills increase dramatically, as home valuations and tax rates have trended upward. While continued efforts to control spending remain a priority, another potential source of relief for residents comes from increasing the portion of the Town's annual tax revenue derived from commercial properties in Ipswich. Biolabs has been a significant source of tax revenue for the Town for many years now, and this expansion of their operations in Ipswich will only increase that in years to come.

Select Board Recommend: 4-0-1
Finance Committee Recommend:
School Committee Recommend: DNV

MOTION:

I move that the Town approve the Tax Increment Financing Agreement dated [insert date] between the Town of Ipswich and the New England Biolabs on file with the office of the Town Clerk and to authorize the Town Manager to execute said agreement on behalf of the Town in accordance with the provisions of MGL. c. 40, § 59, clause (v).

ARTICLE 8 – Amendment to Chapter 25 of the General Bylaws (Town Meeting)

Submitted by: Town Manager

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.

- A. 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.
- B. The warrant for ~~a~~ ***the Annual*** Town Meeting ***shall be closed to the submission of articles no sooner than noon on the last Friday in February.***, ~~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 Town Meeting at any time before the posting of the warrant for ~~that~~ ***the Annual*** Town Meeting.

25-3. Special Town Meeting.

- A. 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.
- B. 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) on the home page of the Town website*, unless in their judgment public interest would suffer by such a delay.
- C. The warrant for a Special Town Meeting, ~~once opened,~~ shall *be closed to the submission of articles no sooner than thirty (30) remain open for at least seven calendar days following publication of notice, unless the Select Board determines that the public interest would suffer by such a delay. The Select Board shall have the authority to insert any article in the warrant of a Special Town Meeting at any time before the posting of the warrant for that Town Meeting.*

25-4. Warrants.

- A. 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.
- B. *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 posted posting it in the Town Clerk's office and in the Ipswich Public Library as well as on the Town website through a link included in an announcement on the home page. 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.*

Summary: This proposed change to the bylaw regulating the warrant process for Annual and Special Town Meetings would do two things: do away with the "opening" and "closing" of the warrant and modernize the publication requirements. It would also make grammatical changes to the bylaw. The way our bylaw works now, the warrant is only open, meaning available for citizens to add articles, for a limited period of time. The proposed changes will allow citizens to have more time to submit articles while allowing enough time for boards and committees to hold their hearings. The current posting process, requiring publication of the entire warrant in the newspaper and posting in each of the four precincts, is outdated. The proposed change would require placing a notice in the newspaper warning of the date of the town meeting and of the availability of the entire warrant in the Town Hall, in the Ipswich Public Library, and on the home page of the Town website.

With this change, all citizens will have more time to insert articles and will get plenty of notice when the Select Board plans to hold the meeting and what will be on the warrant. This article requires a simple majority vote.

Select Board Recommend: 3-2
Finance Committee Recommend:
School Committee Recommend: 7-0

MOTION:

I move to amend Chapter 25 of the Ipswich General Bylaws as set forth in Article Eight of the warrant for this town meeting.

ARTICLE 9 – 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: ~~strikethrough~~ 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 May 12, 2020 Annual Town Meeting, this bylaw amendment will be followed by an October 2020 Special 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 Fall Town Meeting Waterways article proposal will also include the approval authority of Waterways regulations.

Select Board Recommend: 5-0
Finance Committee Recommend:
School Committee Recommend: DNV

MOTION:

I move to amend Chapter 118 of the Ipswich General Bylaws as set forth in Article Nine of the warrant for this town meeting.

ARTICLE 10 – 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**

[HISTORY: Adopted by the Town Meeting of the Town of Ipswich 4-6-1987 ATM, approved by Attorney General 8-24-1987 (Ch. XVI of the 1973 Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Architectural preservation district — See Ch. **113**.

Penalties — See Ch. **300**.

Noncriminal disposition of violations — See Ch. **325**.

§ 138-1 Intent and purpose.

The purpose of this chapter is the preserv~~ation~~***ationing*** and protect~~ion~~***ioning*** 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. **[Amended 4-5-2004 ATM, approved by Attorney General 5-3-2004]**
- 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~~ignificant ~~B~~uilding 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 Significant Buildings.

Nothing in this bylaw shall be construed to prevent the demolition of those portions of Significant Buildings which are not in themselves 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.*

Select Board Recommend: 3-2
Finance Committee Recommend:
School Committee Recommend: DNV

MOTION:

I move to amend Chapter 138 of the Ipswich General Bylaws as set forth in Article Ten of the warrant for this town meeting.

ARTICLE 11 – 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: ~~strikethrough~~ 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 – Over 70 License*</i>	\$ 5
Neutered or spayed dogs	\$15
<i>Intact Dogs – Over 70 License*</i>	\$10
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.

Select Board Recommend: 5-0
Finance Committee Recommend:
School Committee Recommend: DNV

MOTION:

I move to amend Chapter 109 of the Ipswich General Bylaws as set forth in Article Eleven of the warrant for this town meeting.

Article 12 – Funding for Peatfield Landing Non-Motorized Seasonal River Dock

Submitted By: Chief Paul A. Nikas, Harbormaster

To see if the Town will vote to transfer from the Waterways Improvement Fund a sum not to exceed \$5,000 for the purpose of partially paying for the cost of materials for a seasonal river dock to be located at the Town owned Peatfield Landing property at 21 Peatfield Street, conditional upon the successful award to the Town of a grant from the Essex Heritage Partnership in the amount of \$2,000, and/or any other successful grant funding secured for this purpose.

Summary: Peatfield Landing is a half-acre Town owned property located on the Ipswich River at the end of Peatfield St. The property has historically been used as a non-motorized boat launch both in the recent past since the Town took ownership in 1972, and historically when it was privately owned by Samuel Goodhue. During Goodhue's ownership there was a house, boathouse and dock on the property. The last remaining structure was removed sometime during the early to

mid-1970's, and access to and from the river has been directly from the river bank. This access has created erosion to the riverbank and impacts to the riverbed, aquatic life and vegetation. The Waterways Advisory Committee and Open Space Program have been working to improve and enhance river access by researching the feasibility of installing a seasonal dock to launch canoes and kayaks, in an effort to protect the river resources and create safer river access. A grant application has been submitted to the Essex Heritage Partnership in the amount of \$2,000 and notification of award will be in March, 2020. The cost proposal for materials for the dock structure is approximately \$8,331. The balance of funds to purchase the dock materials and other incidental costs related to installing the dock would come from other grant sources. Once permitted through the Conservation Commission and the Harbormaster, dock installation will be done through a combination of DPW staff and qualified volunteers. This article requires a simple majority vote.

Select Board Recommend: 5-0

Finance Committee Recommend:

School Committee Recommend: DNV

MOTION:

I move to authorize the transfer of \$5,000 from the Waterways Improvement Fund to pay for the cost of materials for a seasonal river dock to be located at 21 Peatfield Street, conditional upon the successful award to the Town in the amount of \$2,000 from grant funding.

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 TBD in the year of our Lord, Two Thousand and Twenty.

**TOWN OF IPSWICH
SELECT BOARD**

William D. Whitmore – Chair

Linda D. Alexson – Vice Chair

Nishan D. Mootafian

Tammy Jones

Kerry L. Mackin