

Record of Action
Special Town Meeting
October 16, 2021

Pursuant to the foregoing Warrant, the legal voters of the Town of Ipswich met at the Ipswich Middle/High School in said Town of Ipswich on, Saturday, October 16, 2021. A quorum was present (510 present/200 required), and the meeting was called to order by the Moderator, Mr. Thomas R. Murphy, at 9:20 A.M.

ARTICLE 1 – Amend Town Budget (State Aid)

Submitted by: *Select Board*

To see if the Town will vote to amend the FY2022 Municipal Budget approved under Article 3 of the May 15, 2021, Annual Town Meeting by raising and appropriating the additional sum of \$27,981 to the FY22 Management Transfer account or take any other action relative thereto.

Select Board Recommends: 5-0
Finance Committee Recommends: 9-0

MOTION: To raise and appropriate the sum of \$27,981 as set forth in Article One of the warrant for this town meeting.

ACTION: Article 1 passes by the necessary majority. Yes: 300 No: 2. Electronic voting.

ARTICLE 2 – Amend School Budget (State Aid)

Submitted by: *School Committee*

To see if the Town will vote to amend the FY2022 School Budget approved under Article 4 of the May 15, 2021, Annual Town Meeting by raising and appropriating the additional sum of \$44,621 or take any action relative thereto.

Select Board Recommends: 5-0
Finance Committee Recommends: 9-0
School Committee Recommends: 6-0

MOTION: To raise and appropriate the sum of \$44,621 as set forth in Article Two of the warrant of this town meeting.

ACTION: Article 2 carries by the necessary majority.

ARTICLE 3 – Amend General Bylaws – Chapter 35, Add Government Study Committee

Submitted by: *Select Board*

To see if the Town will vote to dissolve the Town Government Study Committee established under Article 17 of the December 17, 1962 town meeting, and to amend Chapter 35 of the Town Bylaws (“Town Officers, Boards, Committees and Commissions”) by adding a new Article VIII, “Town

Government Study Committee” as set forth below, and by renumbering the existing Articles VIII and IX accordingly, or take any other action relative thereto.

ARTICLE V - Town Government Study Committee

§ 35-35. Establishment; membership.

A Town Government Study Committee shall be constituted and undertake the responsibilities set forth in § 35-36. The Committee shall consist of seven members, including one Select Board member or designee, one Finance Committee member or designee, and one School Committee member or designee, and four at-large members appointed by the Select Board for terms of three years.

§ 35-36. Responsibilities.

A. Decennial Review of Charter and Bylaws. Beginning in the year 2023 and every ten years thereafter, the Committee shall review the structure of Town government as defined by the Town Charter and any applicable special acts and bylaws relating to the structure of Town government. The Committee shall submit any recommendations to the Select Board, after conducting a public hearing thereon, by the end of the calendar year or as soon as practicable. The committee will make a report of prioritized recommendations for appropriate actions to the Annual Town Meeting concerning amendments to the Charter, or such special acts and bylaws, or other recommendations it deems advisable.

B. Referral. The Committee may also be convened for the purpose of making recommendations or reports on such matters pertaining to the Charter or the structure of Town government as may be referred to it by the Town Meeting or by the Select Board.

§ 35-37. Quorum.

A quorum of the Town Government Study Committee shall consist of no fewer than four members. A recommendation of the Town Government Study Committee to the Town Meeting or the Select Board shall require the affirmative vote of at least four members.

Summary: This article recognizes the Government Study Committee in the General Bylaws and sets parameters for membership and guidelines for charter and bylaw review and how often is should be accomplished. The Government Study Committee is a valuable group in town and adding them to the General Bylaws will clearly define their mission and committee makeup.

Select Board Recommends: 5-0
Finance Committee Recommends: 5-3
School Committee Recommends: 4-1

MOTION: To refer all action under Article 3 to an *ad hoc* committee of six people: one member of the Select Board; one member of the Finance Committee; two at-large citizens with municipal governance experience, one to be appointed by Town Manager and the other by Town Moderator; and two current Government Study Committee members. The committee shall propose how to reform the Government Study Committee in an article at the 2022 Annual Town Meeting.

ACTION: Article 3 carries by the necessary majority.

ARTICLE 4 – Open Space Land Taking for Water Supply Protection Purposes – Symes Property

Submitted by: Select Board as Water Commissioners

To see if the Town will vote to authorize the Select Board, acting as Water Commissioners pursuant to § 21 of the Town Charter, to acquire by voluntary conveyance, for no monetary consideration, and for water supply and water supply protection purposes, approximately 44.714 acres of land situated northerly of Linebrook Road and easterly of Mile Lane in Ipswich, being shown as Open Space 1,947,731 S.F. 44.714 ACRES on the plan entitled “OPEN SPACE PRESERVATION ZONING (OSPZ) LAYOUT PLAN (OPEN SPACE) MILE LANE & LINEBROOK ROAD, IPSWICH, MA; LAYOUT, PLAN 3 of 3; WILLIAMS & SPARAGES, ENGINEERS; SCALE: 1”=80’; JUNE 8, 2018; REVISED TO AUGUST 4, 2020” recorded at the Essex South District Registry of Deeds in Book 38897, Page 550, or take any other action relative thereto.

Select Board Recommends: 5-0

Finance Committee Recommends: 9-0

MOTION: To authorize the Select Board, acting as Water Commissioners, to acquire approximately 44.714 acres of land situated northerly of Linebrook Road and easterly of Mile Lane in Ipswich for water supply and water supply protection purposes as printed in Article Four of the Warrant for this Town Meeting.

ACTION: Article 4 carries by the necessary majority. Yes: 382 No: 2. Electronic Voting.

ARTICLE 5 - Amend Zoning Bylaws – Section VI, Footnote 11, Footnotes to the Table of Density & Dimensional Regulations

Submitted by: Planning Board

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

(*bold italics* = new language; strikethrough = language to be deleted)

- (1) Amend the Table of Dimensional and Density Regulations in Section VI for Principal Buildings and Structures in the In town Residence District, within the Minimum Lot Area column by deleting the Footnote “11”.
- (2) Amend Footnote 11 as follows:

The Planning Board may increase the number of dwelling units allowed under this requirement by special permit if it determines that a proposed multi-family dwelling or multi-family residential development would provide public benefit to the general public...

Under no circumstances shall the Planning Board allow less than the following minimum lot area for multi-family dwellings, multi-family residential development, and mixed residential/business uses, measured on a per unit basis: In the CB and GB Districts, 5,000 square feet (s.f.) plus 2,000 s.f. per unit for multi-family, and 3,000 s.f. plus 1,500 s.f. per unit for residential mixed uses; ~~in the IR District, 5,000 s.f. plus 3,500 s.f. per dwelling unit, except for the residential conversion of buildings containing non-residential uses and in existence on the effective date of this zoning amendment, for which the~~

~~minimum lot area shall be no less than 5,000 s.f. plus 2,000 s.f. per dwelling unit. This footnote shall not apply to parcels in the IR District which have less than 12,000 s.f. of lot area.~~

or make any other changes relative thereto.

Select Board Recommends: 5-0
Finance Committee Recommends: 9-0
Planning Board Recommends: 5-0

MOTION: To amend the Ipswich Zoning Bylaw as set forth in Article Five of the warrant for this town meeting.

ACTION: Article 5 carries by the necessary 2/3rd vote.

ARTICLE 6 – Amend Zoning Bylaws – Revisions to Section IX.S & Section IX.P - Infill Housing and Accessory Building Conversion

Submitted by: *Planning Board*

To see if the Town will vote to amend the Ipswich Protective Zoning Bylaw by revising Section IX.S and Section IX.P as shown below: (*bold italics* = new language; strikethrough = language to be deleted)

- (1) Amend Section IX.S, Infill Single-Family House Lots, 3. Standards and Conditions, and add new sections 4. Review Criteria and 5. Condition of Approval as described below:

3. Standards and Conditions *Dimensional, Size and Layout Requirements*

Any special permit approved by the Planning Board to create an infill single-family house lot under this subsection shall be subject to the following conditions *To be eligible for a special permit, the new infill lot and house shall meet the following ~~dimensional and layout requirements~~*:

- a. The only buildings permitted on the new lot shall be a single-family house not exceeding 2,200 square feet of floor area, and one accessory building of no more than 150 s.f. in area.
- b. The minimum lot width and front yard setback requirements for the existing and proposed houses shall be fifty (50) feet and ten (10) feet, respectively, except that the non-impacted side yard setback for the existing house, if legally nonconforming, may remain at its current setback, and the front yard setback for the new house may be modified by application of Footnote 1 to the Table of Dimensional and Density Regulations in Section VI.
- c. The Applicant shall make the new house permanently affordable as defined in Section IX.I of this bylaw, or pay a fee of \$40,000 into to the Town’s Affordable Housing Trust Fund. The fee may be adjusted by the Planning Board from time to time by the issuance of guidelines or regulations, pursuant to paragraph 3.a.ii in Section IX.I of this bylaw.

- d. In addition to finding that the application satisfies the criteria described in Section XI.J. of this bylaw, the Planning Board must also find that the proposed single-family house will be compatible with the development pattern of the neighborhood, in terms of design, siting, massing, scale, and materials, and the lot layout. To inform its determination, the Board may seek an advisory opinion from the Design Review Board.
- c. *The maximum floor area of the new house allowed under this subsection shall be determined by multiplying the area of the infill lot by twenty percent (20%), except that the maximum floor area need not be less than 1,600 sq. ft., and in no instance may the maximum floor area exceed 2,000 sq. ft.*
- d. *One accessory building is permitted per infill lot. If the accessory building is not a garage it shall have no greater than a 150 sq. ft. footprint. If the accessory building is a garage, it must be designed as a one car garage only, and it must not have a footprint greater than 250 sq. ft. There shall be no habitable space within accessory buildings. If the accessory building is designed as a garage there may not be an attached garage in the principal building.*
- e. *An attached garage is permitted provided it is designed as a one car garage and its footprint does not exceed 250 sq. ft.*
- ~~e. *To ensure that the development of infill detached single-family dwellings is done in a manner that is consistent with both the character and the development pattern of their surrounding neighborhoods, the Applicant is required to submit an application to the Design Review Board, pursuant to Section IX.K.4. and 5. of this bylaw.*~~

4. Review Criteria

In addition to finding that the application satisfies the criteria described in Section XI.J. of this bylaw, the Planning Board must also find that the proposed single-family house will be compatible with the development pattern of the neighborhood, in terms of design, height, siting, massing, and/or scale. To inform its determination, the Board may seek an advisory opinion from the Design Review Board.

5. Condition of Approval

Any special permit approved by the Planning Board to create an infill single-family house lot under this subsection shall be subject to the following condition:

The Applicant shall make the new house permanently affordable as defined in Section IX.I of this bylaw or pay a fee into to the Town’s Affordable Housing Trust Fund in accordance with the Planning Board Regulation: “Inclusionary Housing Payment-in-Lieu-of Option”;

(2) Amend Section IX.P, Conversion of Accessory Building into Residential Unit, as follows:

... 3. Community Benefit

The Planning Board shall not grant a special permit under this subsection unless the applicant can provide a community benefit as determined by the Board.

... b. Other potential uses or actions that the Planning Board may find to meet a community need are as follows:

- i. Use of the dwelling unit for a family member, provided that upon the unit being vacated by family, use of the unit shall only be continued as a residential dwelling if it is affordable housing as defined in 3.a. above.
- ii. A fee in lieu of providing an affordable unit *in accordance with the Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option*. ~~If the Board decides to accept a fee in lieu, the amount shall be \$15,000.~~
- iii. Preservation, renovation, and reuse of an accessory building determined by the Planning Board to have historical or architectural significance.

or to make any other changes thereto.

Select Board Recommends: 5-0
Finance Committee Recommends: 9-0
Planning Board Recommends: 5-0

MOTION: To amend the Ipswich Zoning Bylaw as set forth in Article Six of the warrant for this town meeting.

ACTION: Article 6 carries by the necessary 2/3rds vote.

ARTICLE 7 – Amend Zoning Bylaws – Section V. Table of Use Regulations – Revisions to Affordable Housing Incentives

Submitted by: *Planning Board*

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

(1) Amend Section V. Table of Uses as follows:

a. Modify Footnotes to the Table of Use Regulations by:

i. revising Footnote 18 as shown below:

18. Not more than one (1) principal building per lot, except as allowed in *mixed and* multi-family residential developments and except for permitted uses in the IR and RRA Districts as provided in Section IX.P *and permitted uses in the IR District as provided in Section IX.U.*

b. Amend the Table of Use Regulations, Principal Use, by adding a new use under the heading “Residential”, entitled “Detached Accessory Dwelling Unit,” and allowing said use in the IR District only, as shown below:

TABLE OF USE REGULATIONS

PRINCIPAL USE	DISTRICT									
	RRR¹⁶	RRB¹⁶	RRC¹⁶	IR¹⁶	GB¹⁶	CB¹⁶	HB¹⁶	PC¹⁶	I¹⁶	LI¹⁶
Residential										
Single-family detached dwelling	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	—	—	—	—	—	—
Two-family dwelling ³⁰	SBA ¹⁸	SBA ¹⁸	SBA ¹⁸	P ¹⁸	—	—	—	—	—	—
<i>Detached Accessory Dwelling Unit</i>	—	—	—	SPB ⁴¹	—	—	—	—	—	—
Multi-family dwelling ³⁰	—	—	—	SPB ^{18,20}	SPB ²⁰	SPB ²⁰	SPB ²⁰	—	—	—

c. Amend the Footnotes to the Table of Use Regulations by inserting a new footnote 41 to read as follows:

41. Subject to the requirements of Section IX.U of this Zoning Bylaw.

d. Add a new definition in Section III. Definitions, as follows:

***“Detached Accessory Dwelling Unit: A detached single dwelling unit building constructed in accordance with Section IX.U of this Bylaw.*”**

(2) Amend Section IX. Special Regulations by adding a new subsection, ***“U. Accessory Dwelling Units,”*** said section to read as follows:

“U. Detached Accessory Dwelling Units

1. The purposes of this subsection are to:

- a. Increase the supply of small, moderate and affordably priced housing within the IR District, close to the Town’s center.***
- b. Promote development that is compatible with the character and development pattern of its surrounding neighborhood.***

2. Applicability

Lots within the IR District with at least 12,000 sq. ft. of land area and an existing single or two family principal use only, may apply for a special permit under this subsection to construct one Detached Accessory Dwelling Unit.

3. Dimensional Requirements

a. To be eligible for a Detached Accessory Dwelling Unit, the uses and lots listed in “2. Applicability” must conform to the following:

- i. The Detached Accessory Dwelling Unit shall comply with the setback requirements for principal uses in the IR District in accordance with the Table of Dimensional and Density Regulations in Section VI of the Zoning Bylaw and shall be considered a principal use for all purposes of this Bylaw; and***
- ii. Detached Accessory Dwelling Units designed with one floor shall not exceed 750 sq. ft. in floor area. Dwellings designed with two floors shall not exceed 1,000 sq. ft. in floor area.***
- iii. Detached Accessory Dwelling Units shall not exceed 25 feet in height.***

iv. *Detached Accessory Dwelling Units shall not include a garage.*

v. *The proposed project must comply with all other applicable dimensional requirements in Section VI including but not limited to lot coverage and building coverage.*

4. Conditions of Approval

Any special permit approved by the Planning Board pursuant to this subsection shall be subject to the following conditions:

a. Limitation of subdivision: No lot shown on a plan for which a permit is granted under this subsection may be further subdivided and applicants must record a deed restriction to this effect.

b. Affordable housing: Except when an applicant pays a fee in lieu of an affordable housing restriction in accordance with the Planning Board Regulation: "Inclusionary Housing Payment-in-Lieu-of-Option", a deed restriction must be placed on the property to ensure that the affordable unit remain so for a period of 99 years, or the greatest period of time allowed by law, and said affordable unit must be included on the Town's Subsidized Housing Inventory.

c. Design Review: To inform its determination, the Board may seek an advisory opinion from the Design Review Board.

or make any other changes relative thereto.

**Select Board Recommends: 4-0
Finance Committee Recommends: 7-2
Planning Board Recommends: 5-0**

MOTION: To amend the Ipswich Zoning Bylaw as set forth in Article Seven of the warrant for this town meeting.

ACTION: Article 7 carries by the necessary 2/3rds vote.

ARTICLE 8 – Amend General Bylaws – Chapter 193, Update Stormwater Management Bylaw

Submitted by: Department of Public Works

To see if the Town will vote to amend the Ipswich General Bylaws – Chapter 193 by removing the entire section and replacing it with the following:

Town of Ipswich

Stormwater Management Bylaw

Table of Contents

ARTICLE I – GENERAL PROVISIONS

Section 1. Purpose and Objective

Section 2. Definitions

Section 3. Authority

Section 4. Responsibility for Administration

Section 5. Waivers

Section 6. Regulations

Section 7. Enforcement

Section 8. Severability

ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH

Section 1. Applicability

Section 2. Prohibited Activities; Exemptions.

Section 3. Additional Prohibited Pollutants

Section 4. Emergency Suspension of Storm Drainage System Access.

Section 5. Notification of Spills

Section 6. Transitional Provisions

ARTICLE III STORMWATER MANAGEMENT AND LAND DISTURBANCE

Section 1. Applicability

Section 2. Approval and/or Permit

Section 3. Consent to Entry

Section 4. Inspection and Site Supervision

Section 5 Compliance with the Provisions of the United States Environmental Protection Agency's (EPA) General Permit for Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts

Section 6. Surety

Section 7. Final Reports

ARTICLE I – GENERAL PROVISIONS

Section 1. Purpose and Objective

- A.** The purpose of this bylaw is to protect public health, safety, general welfare, and the environment by regulating illicit connections and discharges to the storm drain system or, directly or indirectly, to a watercourse or into the waters of the Commonwealth. Its purpose is also to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:
- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies;
 - (2) Contamination of drinking water supplies;
 - (3) Contamination of downstream coastal areas;
 - (4) Alteration or destruction of aquatic and wildlife habitat;
 - (5) Overloading or clogging of municipal stormwater management systems; and
 - (6) Flooding.
- B.** The objectives of this bylaw are to:
- (1) Protect water resources;
 - (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
 - (3) Prevent and reduce pollutants from entering Ipswich's municipal separate storm sewer system (MS4);
 - (4) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
 - (5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 - (6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed, are regularly maintained, and pose no threat to public safety; and
 - (7) Recognize the Town of Ipswich's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

Section 2. Definitions

Unless a different definition is indicated in other sections of this bylaw, the following definitions and provisions shall apply throughout this bylaw. Additional definitions may be found within the Stormwater regulations:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Stormwater Management Permit.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Stormwater Management Permit.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

HAZARDOUS MATERIAL: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of

whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLCIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Article II, §2. The term does not include a discharge in compliance with a NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II, §2D(1) of this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway by non-point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

LOT: An individual tract of land as shown on the current Assessor's Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor's Map.

LOW IMPACT DEVELOPMENT TECHNIQUES: Innovative stormwater management systems that are modeled after natural hydrologic features. Low impact development techniques manage rainfall at the source using uniformly distributed decentralized micro-scale controls. Low impact development techniques use small cost-effective landscape features located at the lot level.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Ipswich.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

NONSTORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRACTICABLE: Practicable shall be defined as available and capable of being done after taking into consideration costs, existing technology, proposed use, and logistics in light of overall project purposes. Available and capable of being done means the alternative is obtainable and feasible. Project purposes shall be defined generally (e.g., single family home, residential subdivision, expansion of a commercial development).

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;
- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects. This definition shall not include roadway or parking lot maintenance projects that do not increase the area of impervious surface.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of Sediment.

SITE: Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

SOIL: Any earth, sand, rock, gravel, or similar material.

STORMWATER AUTHORITY: The Ipswich Conservation Commission or its authorized agent(s).

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit.

TOTAL MAXIMIM DAILY LOAD or TMDL: the greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00, et seq.)

TOTAL SUSPENDED SOLIDS or TSS: Undissolved organic or inorganic particles in water.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WASTE LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway from point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands,

coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

Section 3. Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statutes, and the regulations of the Federal Clean Water Act, 40 CFR 122.34.

Section 4. Responsibility for administration

- A. Stormwater Authority shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon Stormwater Authority may be delegated in writing by Stormwater Authority to its employees or agents.

Section 5. Waivers

- A. The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:
 - (1) allowed by federal, state and local statutes and/or regulations; and
 - (2) in the public interest; and
 - (3) not inconsistent with the purpose and intent of this bylaw.
- B. Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall require a public hearing.
- D. If in the opinion of the Stormwater Authority or its authorized agent, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 6. Regulations

- A. The Stormwater Authority shall adopt within one (1) year, and may periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, at least fourteen (14) calendar days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.
- B. Stormwater Management regulations, rules or guidance shall identify thresholds and requirements for Stormwater Management Permits required by this bylaw and consistent with or more stringent than the most recent Small Municipal Separate Sewer System

General Permit (MS4).

- C. Stormwater Management regulations may identify one or more categories of projects (e.g., Major versus Minor) that, because of their size, scope and common features or characteristics, may be approved by one or more agents of the Stormwater Authority rather than by a majority of Stormwater Authority members pursuant to Article III of this bylaw. For such projects, the Stormwater Authority will identify minimum stormwater management standards pursuant to this bylaw, compliance with which is required before the project is approved.

Section 7. Enforcement

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

A. Criminal and Civil relief.

- (1) Any person who violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of not more than \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (2) The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders.

- (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:
 - (a) Elimination of illicit connections or discharges to the MS4;
 - (b) Elimination of discharges to the MS4 or, directly or indirectly, into a watercourse or into the Waters of the Commonwealth.
 - (c) Performance of monitoring, analyses, and reporting;
 - (d) Cessation of unlawful discharges, practices, or operations;
 - (e) Implementation of measures to minimize the discharge of pollutants until such time as the illicit connection or discharge shall be eliminated; and
 - (f) Remediation of contamination in connection therewith.
- (2) If the Stormwater Authority determines that a person's failure to follow the requirements of a Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this bylaw or regulations issued hereunder, then the Authority may issue a written order to the person to remediate the non-compliance and/or any adverse impact caused by it, which may include:
 - (a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit or other authorization;
 - (b) Maintenance, installation or performance of additional erosion and sediment control measures;

- (c) Monitoring, analyses, and reporting
 - (d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and/or
 - (e) A requirement to eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- (3) If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Ipswich may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- (4) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Ipswich, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, § 57 after the 31st day at which the costs first become due.
- C. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town of Ipswich may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D and Ch. 325 of the General Bylaws of the Town of Ipswich, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall \$50. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Entry to perform duties under this bylaw. To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- E. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be appealed to a court of competent jurisdiction.
- F. Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 8. Severability

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH

Section 1. Applicability

Article II of this bylaw shall apply to all water generated on any developed or undeveloped lands and entering the municipally owned storm drainage system or entering, directly or indirectly, into a watercourse or waters of the Commonwealth, except as explicitly exempted in this bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I § 5.

Section 2. Prohibited activities; exemptions.

- A. Illicit discharges. No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, into a watercourse or waters of the Commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Stormwater Authority.
- D. Exemptions.
 - (1) Discharge or flow resulting from fire-fighting activities;
 - (2) The following nonstormwater discharges or flows are exempt from the prohibitions of this section provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, to a watercourse or waters of the Commonwealth:
 - (a) Waterline flushing;
 - (b) Flow from potable water sources, with the exception of landscape irrigation and lawn watering, unless they are determined to be a significant source of pollutants;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit for such discharge from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Stormwater Authority;
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;

- (i) Discharge from street sweeping;
- (j) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
- (k) Nonstormwater discharge permitted under a NPDES permit, waiver, or waste discharge order held by the owner and administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (l) Discharge for which advanced written approval is received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

Section 3. Additional Prohibited Pollutants

- A.** Pet Waste: Ipswich is subject to a Pathogen TMDL, and because dog feces are a major component of stormwater pollution, it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a helping dog or other helping animal registered as such. Persons walking dogs must carry with them a device designed to properly dispose of dog feces including, but not limited to, a bag or "pooper scooper." For specific requirements and penalties for violations see § 109-8 of the General Bylaws of the Town of Ipswich.
- B.** Pavement Sealers: Coal tar-based driveway and pavement sealers have been identified as a primary source of poly-aromatic hydrocarbons affecting streams in developed areas. Poly-aromatic hydrocarbons are classified by the United States Environmental Protection Agency as a probable human carcinogen and are highly toxic to aquatic life. Asphalt-based driveway and pavement sealers contain low concentrations of poly-aromatic hydrocarbons. Therefore, application of coal tar-based driveway and pavement sealers is prohibited for all paved areas directly connected to the MS4, a watercourse, or Waters of the Commonwealth.

Section 4. Emergency suspension of storm drainage system access

The Stormwater Authority or its authorized agent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

Section 5. Notification of spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system, watercourse, or Waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of

oil or hazardous materials, the person shall immediately notify the municipal fire and police departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to address it and prevent its recurrence. Such records shall be retained for at least three years.

Section 6. Transitional provisions

Residential property owners shall have 60 days from the effective date of this bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

ARTICLE III – STORMWATER MANAGEMENT AND LAND DISTURBANCE

Section 1. Applicability

No person may undertake a construction activity or land disturbance, including clearing, grading, excavation, or redevelopment that will disturb equal to or greater than thresholds outlined in the Town of Ipswich Stormwater Regulations without an applicable permit as also outlined in the Stormwater Regulations.

Any person that fails to follow the requirements of an issued Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan, or any Permit issued under the Stormwater Management Regulations shall be in violation of the Ipswich Stormwater Bylaw.

Section 2. Approval and/or Permit

A Stormwater Management Permit must be obtained prior to the commencement of Land Disturbing Activity or Redevelopment based on thresholds established in the Stormwater Management Regulations. An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and in regulations adopted by the Stormwater Authority.

Section 3. Consent to Entry onto Property

An applicant consents to entry of Stormwater Authority or its authorized agents in or on the site to verify the information in the application and to inspect for compliance with Review or Permit conditions.

Section 4. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall make inspections as outlined in the Stormwater Management Regulations to verify and document compliance with the Stormwater Management Permit.

Section 5. Compliance with the provisions of EPA's General Permit for MS4s in Massachusetts

This bylaw and its related Stormwater Management Regulations shall be implemented in accordance with the requirements of United States Environmental Protection Agency's most recent Massachusetts Small Municipal Separate Storm Sewer System (MS4s) General Permit relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management, as well as the Massachusetts Wetlands Management Act. The Stormwater Authority may establish additional requirements by regulation to further the purposes and objectives of this bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

Section 6. Surety

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

Section 7. Final Reports

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that all BMPs, erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Stormwater Management Plan. The Stormwater Authority may, by regulation, require ongoing reporting to ensure long-term compliance, including, but not limited to, appropriate operation and maintenance of Stormwater BMPs. Any discrepancies shall be noted in the cover letter.

Select Board Recommends: 4-0

Finance Committee Recommends: 9-0

MOTION: To amend the Ipswich General Bylaws as set forth in Article Eight of the warrant for this town meeting.

ACTION: Article 8 carries by the necessary 2/3rds vote.

ARTICLE 9 – Public Safety Building Appropriation for Design and Construction Costs

Submitted by: *Select Board*

To see if the Town will vote to appropriate the sum of \$27,500,000 to pay costs of designing, constructing, equipping, and furnishing a Public Safety Building to be located at 4 Pineswamp Road, said property being more particularly described in the deed to the Town of Ipswich recorded at Book 39283, Page 164 in the Essex South District Registry of Deeds, to support the Town's Police, Emergency Dispatch, Emergency Management, Harbormaster, Shellfish, Animal Control and Fire Departments, including all costs incidental and related thereto; and to meet this appropriation by authorizing the

Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c.44, as amended, or any other borrowing authority; and to take any other action relative thereto.

Requires: 2/3rds majority & ballot vote

**Select Board Recommends: 4-0
Finance Committee Recommends: 8-1
School Committee Recommends: 6-0**

MOTION:

I move that \$27,500,000 is appropriated to pay costs of designing, constructing, equipping, and furnishing a Public Safety Building to be located at 4 Pineswamp Road, said property being more particularly described in the deed to the Town of Ipswich recorded at Book 39283, Page 164 in the Essex South District Registry of Deeds, to support the Town's Police, Emergency Dispatch, Emergency Management, Harbormaster, Shellfish, Animal Control and Fire Departments, including all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$27,500,000 under M.G.L. c.44, §7 or any other enabling authority; and that the Select Board is authorized to take any other action necessary to carry out this project, provided however that this appropriation shall not take effect until the voters of the Town shall have approved by ballot an exclusion of the principal and interest on said bonds or notes from the limitations of G.L. c.59, §21C ("Proposition 2½"). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: Article 9 carries by the necessary 2/3rds vote.

A motion was made and carried by voice vote to dissolve Town Meeting at 11:47 am.

A True Copy Attest:

**Amy S. Akell, MMC/CMMC
Town Clerk**