

Commonwealth of Massachusetts

Town of Ipswich

Warrant for Special Town Meeting

October 25, 2022

Time – 7:00 pm



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 at the IPSWICH MIDDLE SCHOOL/HIGH SCHOOL, 134 High Street in said Ipswich, on October 25, 2022 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 – October 25, 2022

Article #	Title	Submitted By
1	FY23 Municipal Budget	Select Board
2	FY23 School Budget	School Department
3	FY23 Essex Tech Budget	Select Board
4	FY23 Whittier Regional High School Budget	Select Board
5	Amend Zoning Bylaw Replacing “Board of Selectmen” with “Select Board”	Planning Board
6	Authorize Select Board to Enter into Wireless Communications Lease	Select Board as Water Commissioners
7	Authorize Revolving Fund for Conservation Off-Site Mitigation Payment	Select Board
8	Amend Zoning Bylaws – Amendments to Use-Related Regulations	Planning Board
9	Amend Zoning Bylaws – Amendments to Density and Dimensional-Related Regulations	Planning Board
10	Annual Town Meeting Date - Amend General Bylaws – Chapter 25 Town Meeting – 25-2 Annual Town Meeting	Select Board
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12	An Act to Amend the Town Charter Related to Town Manager Supervision of Ipswich Electric Light Department	Select Board

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 – FY23 Municipal Budget (State Aid)

Submitted by: Select Board

To see if the Town will vote to amend the FY2023 Municipal Budget approved under Article 3 of the May 10, 2022, Annual Town Meeting by raising and appropriating the additional sum of \$360,533 of which \$50,000 to go to the Management Transfer account and \$310,533 to Free Cash or take any other action relative thereto.

Summary: The state budget has been finalized, and the Town will receive additional Local Aid. This appropriation will be used to offset unanticipated expenses or unforeseen shortages in veteran's benefits or other town budgets each year.

ARTICLE 2 – FY23 School Budget (State Aid)

Submitted by: School Department

To see if the Town will vote to amend the FY2023 School Budget approved under Article 4 of the May 10, 2022, Annual Town Meeting by raising and appropriating the additional sum of \$574,945 or take any action relative thereto.

Summary: The state budget has been finalized, and the Town will receive additional net Chapter 70 funds. These funds will be used to offset the cost of school expenses.

ARTICLE 3 – FY23 Essex Tech Budget

Submitted by: Select Board

To amend the action taken under Article 6 of the May 10, 2022 Annual Town Meeting by increasing the budget appropriated for the 2023 annual operating and debt service expenses of the Essex North Shore Agricultural & Technical School District from \$335,000 to \$348,256, or take any action relative thereto.

Summary: The Essex North Shore Agricultural & Technical School District estimated FY23 budget was voted on at Annual Town Meeting. After the October 1, 2022 official enrollment is completed, the final budget figure will be available mid-October but is currently estimated at 16 students at \$348,256. The final budget figure will be included in this motion in this article.

ARTICLE 4 – FY23 Whittier Regional High School Budget

Submitted by: Select Board

To amend the action taken under Article 5 of the May 10, 2022 Annual Town Meeting by reducing the budget appropriated for the 2023 annual operating the debt service expenses of the Whittier Regional Vocational Technical High School from \$590,000 to \$476,233, or take any action relative thereto.

Summary: The Whittier Regional Vocational Technical High School FY23 School budget was voted at Annual Town Meeting in the amount of \$590,000 and the final FY23 Whittier Vocational High School budget letter dated June 30, 2022 certifies the Town of Ipswich assessment as \$476,233. This article reduces the Whittier Regional Vocational Technical High School budget appropriated at May Annual Town Meeting.

ARTICLE 5: Amend Zoning Bylaw Replacing “Board of Selectmen” with “Select Board”

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 bylaw to replace “Board of Selectmen” with “Select Board” as follows:

1) Amend Section II. Administration.

C. Municipal Construction Projects

... All municipal construction projects, including additions to existing public buildings, that create 2,500 square feet or more of new building area, shall be certifiable under the U.S. Green Building Council’s most current applicable LEED® standards for design and construction, unless the ~~Board of Selectmen~~ **Select Board** determines that meeting the LEED® standard will be economically infeasible based on a cost analysis and the projected cost savings, including operations...

2) Amend Section V. Use Regulations, Footnotes to the Table of Uses.

B. Permitted Uses

In the following Table of Use Regulations, the uses permitted by right are designated by the letter "P". Those uses that may be permitted by special permit in accordance with conditions, safeguards, and limitations of the Zoning Act and this bylaw are designated as follows by the appropriate special permit granting authority:

SPB = special permit of the Planning Board

SBA = special permit of the Zoning Board of Appeals

SBS = special permit of the ~~Board of Selectmen~~ **Select Board**

Footnote 17. By special permit of the ~~Board of Selectmen~~ **Select Board**, a private individual, corporation, or other for-profit entity may be designated to manage and/or operate any of the above facilities on Town-owned land.

3) Amend Section IX. Special Regulations, K. Design Review.

Appointments to the Design Review Board shall be made as follows:

- a. Two members shall be appointed by the Planning Board;
- b. One member shall be appointed by the Historical Commission;
- c. Four members shall be appointed by the ~~Board of Selectmen~~ **Select Board**, two of whom shall be alternates.

The terms of all members and alternate members of the Design Review Board shall be three years, except that when the Board is originally established, members shall be appointed as follows: the Planning Board shall appoint one member to a one-year term and one member to a two-year term; the ~~Selectmen~~ **Select Board** shall appoint one member for a two-year term and one member for a three-year term, and the Historical Commission shall appoint one member for a three-year term. The term of the alternates appointed by the ~~Board of Selectmen~~ **Select Board** shall be one and two years when the Board is originally established.

4) Amend Section XI. Administration.

D. Building Application and Permit Fees

Before a building permit may be issued, a fee shall be paid to the Town on the basis of a schedule of fees established by the ~~Board of Selectmen~~ **Select Board** in accordance with the provisions of "Section 7. Establishment of Fees" of CHAPTER IV of the General Bylaws of the Town of Ipswich...

I. Compliance with Zoning Bylaw

The ~~Board of Selectmen~~ **Select Board** may at their reasonable discretion impose as an essential condition on the issuance and/or renewal of any permit and/or license which they are authorized to issue or renew, ... such order or decision shall not constitute the basis for the ~~Board of Selectmen~~ **Select Board** to refuse to renew, revoke, and/or suspend any such permit and/or license during the pendency of such good faith appeal.

J. Special Permits

1. Special Permit Granting Authority. As provided in this bylaw, certain classes of special permits shall be issued by the designated special permit granting authority, which will be the Zoning Board of Appeals, the Planning Board, or the ~~Board of Selectmen~~ **Select Board**, as indicated in the Table of Use Regulations or elsewhere in this bylaw.

...or take any other action thereto.

Summary: The Select Board changed its name from Board of Selectmen in 2019. The Zoning Bylaw still refers to the Board as the Board of Selectmen in Sections II, V, IX.K and XI. This article changes "Board of Selectmen" to "Select Board".

ARTICLE 6 – Authorize Select Board to Enter into Wireless Communications Lease

Submitted by: Planning Department

To see if the Town will authorize the Select Board serving as Water Commissioners to lease space on the Plover Hill Water Tank at 40 Plover Hill Road, Assessors' Map 23B Lot 073A for the construction and attachment of Wireless Communications Facilities as allowed by the Protective Zoning Bylaw, and upon such terms and conditions as such Select Board deems advisable in its discretion, for a period of time not to exceed twenty (20) years, after a duly advertised Request for Proposal process as authorized under MGL Chapter 30B; or to take any other action relative thereto.

Summary: Through the foresight and dedication of residents to conserve valuable land and natural resources in Ipswich, in 1994 Town Meeting authorized the establishment of the Open Space Recreation and Water Supply Protection Fund (OSRWSP Fund). In subsequent Town Meetings in 1997 and 1999 the purposes and revenue sources of the Fund were further defined and authorized. In 2000, through a Legislative Act approved by the MA State Legislature, the OSRWSP Fund was authorized to be funded from three sources; a local hotel/motel tax; roll back taxes for Chapter 61 lands; and revenues from leases of wireless communications facilities on Town owned properties. The Town has had an effective twenty (20) year lease agreement with AT&T for a wireless antenna on the water tank at 40 Plover Hill Rd., which expires in February 2023. That revenue source accounts for approximately a third of the annual revenues (currently approximately \$34,000) into the Fund, which is the sole source of the administrative operating budget of the Town's Open Space Program. This Fund is separate from the Open Space Bond Authorization, which funds only the costs of acquiring fee interest in open space lands and/or conservation restrictions on open space lands. The Fund has been prudently utilized and managed over the past twenty plus years, and in order to continue to effectively fund the Open Space Program outside of the General Operating Budget, the Planning Department recommends the Select Board be authorized to seek proposals from qualified businesses to enter into new lease agreements to continue this essential source of revenue into the OSRWSP Fund.

ARTICLE 7 – Authorize Revolving Fund for Conservation Off-Site Mitigation Payment

Submitted by: Select Board

To amend § 15-29 of the Town Bylaws (Authorized Revolving Funds) by adding at the end of that section a new subsection “N.” as follows:

N. Conservation Off-Site Mitigation Fund: funds derived from mitigation payments made by permittees under the Town’s Wetlands Protection Bylaw to pay for off-site environmental restoration or mitigation projects in lieu of on-site mitigation, said funds to be expended by the Conservation Commission with the approval of the Town Manager.

And, further, to see if the Town will vote to amend the action taken under Article 1, subpart (4) of the 2022 Annual Town Meeting by adding an expenditure limit of \$17,000 for the Conservation Off-Site Mitigation Fund.

Summary: This article establishes a revolving fund under the terms of M.G.L., Chapter 44, Section 53 E ½ for mitigation fee collected by the Conservation Commission to be deposited into said revolving account separate from the General Fund of the Town. Revolving fund monies may only be expended for purposes specified in the Bylaw.

ARTICLE 8 – Amend Zoning Bylaws – Amendments to Use-Related 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 Open Space Preservation Zoning (OSPZ) & Water Supply Protection Section as follows:

- a. Amend Section IX. Special Regulations, A. Open Space Preservation (Cluster) Zoning (OSPZ). 5. Development Requirements, by adding a new subsection a. and renumbering the subsequent subsections accordingly. The new subsection a. to read as follows:

a. No more than 50% of the allowed maximum number of units derived from the Yield Plan is permitted to be constructed within a Water Supply Protection District as defined in Section IX.C.

- b. Amend Section IX. Special Regulations, A. Open Space Preservation (Cluster) Zoning (OSPZ). 5. Development Requirements, b. as follows:

Sanitary Sewer/Septic: the property shall be served by the town’s sanitary sewer system, by a private central sanitary sewer system, or by an individual septic system. ~~If, however, in the judgement of the board, the topography and /or soil conditions are such that it would be more efficient to allow the underground common septic system or individual septic systems to be placed in the preserved open space, this configuration may be permitted.~~ All systems are subject to the approval by the Board of Health and any other permitting authority of competent jurisdiction. ***The underground common septic system or individual septic systems shall not be placed in the preserved open space.***

- c. Amend Section IX. Special Regulations, A. Open Space Preservation (Cluster) Zoning (OSPZ). 5. Development Requirements: c by adding a new subsection vii to read:

vii. All preserved open space must be unencumbered by any regulations or essential functions of the developed portion of the lot.

...or take any other action thereto.

(2) Amend the Table of Use Regulations in Section V. as follows:

TABLE OF USE REGULATIONS (cont'd)										
PRINCIPAL USE	DISTRICT									
Commercial	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Retail establishment selling general merchandise, including but not limited to dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares, and hardware, and including discount and limited price variety stores (Added 10/15/07 STM; AG 1/23/08; Amended 10/25/16 STM; AG 2/14/17)	—	—	—	—	P	P	P	P SPB ² 4	SBA	—
Personal & consumer service establishment (Amended 10/21/2014 STM; AG 2/4/15) (Amended 10/25/16; AG 2/14/17)	—	—	—	—	P	P	P	P SPB ² 4	SBA ²⁴	SBA

...or take any other action thereto.

(3) Add definition of Drive-through facility in Section III. Definitions and amend Table of Use Regulations in Section V as follows:

- a. Amend Section III. Definitions by adding a new definition for the term “Drive- through Facility” in the correct alphabetical order to read as follows:

DRIVE-THROUGH FACILITY: A commercial facility, which provides a service directly to a person operating a motor vehicle or where a customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer receives service without exiting the vehicle.

- b. Amend Section V. Use Regulations, Table of Use Regulations, by adding a new row under “Accessory Use” to read as follows:

TABLE OF USE REGULATIONS (cont'd)										
ACCESSORY USE	DISTRICT									
	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
<i>Drive through Facility</i>	---	---	---	---	---	---	P	P	---	---

...or take any other action thereto.

Summary:

(1) The most recent OSPZ project, on Linebrook Road and Mile Lane, is located partially within the Town’s Water Supply Protection District. The project raised some questions about the Town’s approach toward OSPZ development within the Water Supply Protection Districts, specifically related to the number of units and scope of development permitted, as well as encumbrances on the required open space land. Further, as the Planning Department worked with the Zoning Bylaw for the permitting of the aforementioned project, Staff became aware of opportunities to improve the OSPZ section to better align the regulations with the purposes of OSPZ projects. This amendment will decrease the permissible number of dwelling units permitted to be constructed within a Water Supply Protection District and prohibit encumbrances associated with the built portion of the OSPZ lot on the protected open space.

- (2) *Currently, any new Retail (other than convenience) or Personal & Consumer Service Establishment business over 1,000 sq. ft. must go through the special permitting process even if they are moving into an existing space. This change would not alter the requirements that would apply to new construction or changes of use, parking, dimensional requirements (covered under site plan review) and any other applicable requirement. This amendment will amend the Table of Use Regulations in Section V to allow Retail and Personal & Consumer Service Establishments by-right in the PC district.*
- (3) *Current regulations allow drive-through facilities by-right as a use type in certain zoning districts, but subject to Site Plan Review. Drive-through facilities are prohibited if associated with formula fast food establishments in the CB District (the only district in which fast-food establishments are allowed, and then only by special permit). Drive-through facilities can increase traffic, cause queuing, and generally are incompatible with pedestrian-focused areas. This amendment adds a definition of Drive-through facility in Section III. Definitions and amends the Table of Use Regulations in Section V by creating new accessory use for Drive-through facilities to only be allowed in PC and HB districts.*

ARTICLE 9 – Amend Zoning Bylaws – Amendments to Density and Dimensional-Related 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 Section III. Definitions as follows:

LOT AREA: The horizontal area of a lot exclusive of any area in a street or way. For all ~~residential dwellings~~ **buildings**, except for those built on lots created under Section IX.A (OSPZ) of the zoning bylaw, ~~a minimum of seventy percent (70%) of the minimum lot area applicable to the lot,~~ the calculation of the minimum lot area, maximum building area, minimum open space, and maximum floor area, as determined by the Table of Dimensional and Density Regulations, shall ~~consist~~ **be based only upon the area** of land not classified as creek, stream, river, pond, lake, estuary or bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, wet meadow or swamp as defined by Massachusetts General Laws, Chapter 131, Section 40 **and the Wetlands Protection Act Regulations 310 CMR 10.00**, as amended.

...or take any other action thereto.

- (2) Amend the Table of Dimensional and Density Regulations in Section VI to include Floor Area Ratio for certain districts and amend Footnote 2 to the Table of Dimensional and Density Regulations as follows:
 - a. Amend the Table of Dimensional and Density Regulations in Section VI as follows:

	Two-family (Added 10/16/06 STM; AG 1/04/07)	130,680	250	150	50	40	30	20	—	50
	All other permitted uses (Amended 10/17/11 STM; AG 2/2/12)	87,120 ²⁵	175 ²²	150	20	20 ¹⁹	20 ¹⁹	20	30	50
Intown Residence	Single-family, detached	10,000 ²⁸	90	50	20	10	20	40	40	30
	Two-family (Amended 10/18/04 STM; AG 1/27/05)	12,000	90	50	20	10	20	40	40	30
	Multi-family, Multi-family Residential Development (Amended 4/6/87; AG 8/24/87) (STM 10/17/05; AG 12/12/05) (STM 10/16/21, AG 2/2/22)	9,000 for first dwelling unit + 5,000 per DU there- after	90	50	20	10	20	40	40	30
	All other permitted uses	8,000	90	50	20	10	20	40	40	30
Central Business (CB) ⁹ (Added 10/20/03 STM; 1/22/04 AG)	Multi-family, Multi-family Residential Development (Amended 10/17/05; AG 12/12/05)	5,000 for first dwelling unit + 2,500/DU thereafter up to 6 units; 5,000/ DU each unit over 6 ¹¹	50	50	0 ²⁴	10 ⁵	20	80	170	5
	Mixed residential/business use (Amended 10/16/06; AG 1/4/07)	3,000 for first dwelling unit + 2,000/DU thereafter ^{11, 30}	50	50	0 ²⁴	10 ⁵	20	80	170	5
	All other permitted uses	5,000	50	50	0 ²⁴	10 ⁵	20	80	170	5

**TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (cont.)
PRINCIPAL BUILDINGS AND STRUCTURES**

District	Use	Min. Lot Area (Sq. Ft.) ²³	Min. Lot Width (foot)	Min. Lot frontage (foot)	Minimum Setbacks			Expressed as % ratio of lot area		
					Front ^{1,2,7} (foot)	Side ^{2,7} (foot)	Rear ^{2,7} (foot)	Max. bldg. Area (%)	Max. floor area (%) ²¹	Min. open space (%)
General Business (GB) (Added 10/20/03 STM; 1/22/04 AG)	Multi-family, Multi-family Residential Development (Amended 10/17/05; AG 12/12/05)	5,000 for first dwelling unit + 2,500/D U thereafter up to 6 units; 5,000/D U each unit over 6 ¹¹	50	50	10 ²⁹	10 ⁵	20	80	80	5
	Mixed residential/business use (Amended 10/16/06; AG 1/4/07)	3,000 for first dwelling unit + 2,000/D U thereafter ^{11,30}	50	50	10 ²⁹	10 ⁵	20	80	80	5
	All other permitted uses	5,000	50	50	10 ²⁹	10 ⁵	20	80	80	5

Highway Business (HB) ¹⁶	Multi-family, Multi-family Residential Development (Amended 10/17/05 and 10/19/09; AG 12/12/05 and 2/16/10)	25,000 for first dwel- ling unit+ 5,000/D U thereafte r	125	100	50	20	30	30	—	50
	All other permitted uses (Amended 10/23/95 STM; AG 1/29/96) (Amended 10/20/97 ATM; AG 2/10/98)	20,000	125	100	50	20	30	40	—	15

b. Amend Footnote 2 to the Table of Dimensional and Density Regulations as follows:

2. Except with respect to principal structures in the Rural Residence B District, in the specific case of an irregular, narrow, or shallow lot or a lot unusual either in shape or topography, or a lot on which an existing building became non-conforming by the adoption of this bylaw, the Zoning Board of Appeals may reduce by special permit the side and rear setback requirements up to a maximum of fifty percent (50%). ***The Board may also, in its discretion, raise by special permit the allowable Floor Area Ratio (FAR) for such lots up to ten percent (10%) greater than the allowable Floor Area Ratio (e.g. from 40% to 50%).*** The Board may reduce by special permit the front setback requirement for all ***such*** buildings and structures up to a maximum of ten percent (10%), except for accessory buildings or structures exceeding one hundred and fifty (150) square feet in area or one (1) story in height.

...or take any other action thereto.

(3) Amend Section VI.G.2.e as follows:

3. The maximum building height for buildings and structures is three (3) stories, not to exceed forty-five (45) feet, with the following exceptions: ...
 - e. In the IR, RRA, and RRC Districts, the maximum building height is three (3) stories, not to exceed thirty-seven (37) feet. ~~except that in the IR District, by Planning Board special permit, the height may be increased to no more than forty-five (45) feet; ...~~
 - h. ***In the GB and HB Districts, the maximum building height is three (3) stories, not to exceed thirty-seven (37) feet, except by Planning Board special permit the height may be increased to no more than forty-five (45) feet.***

...or take any other action thereto.

(4) Amend Section VII.M.2. Layout, as follows:

M. Parking and Loading Layout

1. Layout – Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. For parking facilities under full-time attendant supervision or for parking associated with a special permit, the Special Permit Granting Authority may waive this requirement, ***up to a maximum of 50% of the parking spaces in a project for residential uses or 100% for non-residential uses. For the purposes of this section in a case where one vehicle must be moved to allow another to exit or enter a space, both vehicles will be considered to be required to be moved and each of these would be considered a tandem space.***

In no case shall parking or loading spaces be located so as to require the backing or maneuvering of a vehicle onto a sidewalk or onto a public way in order to ***allow another vehicle to*** enter or leave ~~the~~ ***its*** space.

...or take any other action thereto.

(5) Amend Section III. Definitions, as follows:

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; (c) 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 2550% of the total units in the residential development; ~~or~~ (d) two (2) or more two-family dwellings; **or (e) a minimum of one (1) two-family dwelling and one (1) or more single family dwellings provided that the single family dwellings constitute no more than fifty percent (50%) of the total units in the development.**

...or take any other action thereto.

Summary:

- (1) The current definition of lot area requires that for all residential dwellings (except for those built under OSPZ), a minimum of 70% of the required lot area for zoning compliance must be upland. The 70% upland rule only applies to residential dwellings. There has been some concern about the 70% requirement being too low. The concern is that by allowing 30% of required lot area to be wetlands, in particular on multi-unit developments, greater density is squeezed into upland areas that are too small to accommodate said development (in other words, greater number of units is allowed than the land can handle, resulting in a need for waivers, oversized buildings, and similar impacts). This amendment amends lot area definition to increase the required amount of upland for residential dwellings.*
- (2) Much of the concern that residents and property owners express about development appears to center around the size/scale/massing of new buildings. While building height, unit density, setbacks, and other existing regulations control new buildings, they impose a fairly one-size-fits-all approach. A "floor area ratio", which is a different approach that will promote better-sized projects, establishes a maximum floor area for buildings on individual lots; this approach is taken in the RRB District. This amendment amends the Table of Dimensional and Density Regulations in Section VI to include a maximum floor area ratio for buildings in certain zoning districts.*
- (3) The Planning Board and Department have heard concerns about excessive building height on certain projects, in particular in the Highway Business District and to a lesser extent within the General Business District. Building height is a contributing factor to overall building massing. In the IR District, the maximum building height is 37 feet/3 stories, except the Planning Board may allow an increase to 45 feet by special permit. In the General Business and Highway Business Districts (among other non-residential districts and the CB District) the maximum building height is 45 feet. Because the Highway Business and General Business District abut Intown Residence and Rural Residence Districts, there is potential for a large disparity of building height and associated massing between these districts. This amendment eliminates the 45-foot maximum height by special permit exception for buildings in the IR District and requires 37-foot height in GB and HB District, except up to 45 feet by special permit.*
- (4) Tandem parking, which in many cases can be a less than optimal parking situation for safety and convenience reasons, is currently subject to a special permit. The special permit granting authority is authorized to allow 100% of parking spaces to be tandem (on certain projects). The Planning Board proposes to limit the special permit granting authority to be able to allow no more than 50% of parking spaces associated with a project to be tandem. This amendment limits the amount of tandem parking allowed to no more than 50% for residential uses and also clarifies the meaning of tandem parking.*
- (5) As Planning Department Staff work with developers and design professionals, as well as boards and committees such as the APDC and Planning Board, Staff has learned that the requirement that detached single units in multifamily developments not exceed 25% of the total units in the development may have the undesired effect of creating larger multi-unit buildings. For example, on a lot where a four-unit multifamily dwelling or development is permitted and a single unit exists, if a developer wishes to retain the single-unit, they are only allowed to create a second building with three-units rather than a single-unit and a two-unit building. If a developer were able to build two single-unit buildings and a third, two-unit building, then that scenario may allow for better massing, siting, and layout on a lot. Where this issue has been particularly presented is within the Architectural Preservation District, where there is a heightened desire for design flexibility in order to complement the existing development pattern. This amendment allows up to 50% of the units in a multifamily development to consist of single-unit freestanding buildings by amending the definition of Multi-family residential development.*

ARTICLE 10 – Annual Town Meeting Date - Amend General Bylaws – Chapter 25 Town Meeting – 25-2 Annual Town Meeting

Submitted By: Select Board

To see if the Town will vote to amend §25-2 of the General Bylaws by inserting new text pertaining to Annual Town Meeting or take any other action relative thereto.

§25-2 Annual Town Meeting

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

A. The Annual Town Meeting of the Town shall be held ~~on the second Tuesday of the month of May and at a time~~ ***on a date and time no later than May 15*** 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 are 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~~ ***date*** 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.

Summary: The current Town Bylaws mandate that the Annual Town Meeting be held on the second Tuesday in May. This article would remove that provision and instead, the Annual Town Meeting date would be determined by the Select Board on an annual basis.

ARTICLE 11 — Select Board Review of Personnel Contracts - Section 11. Town Manager

Submitted By: Select Board

To see if the Town will vote to authorize the Select Board to petition the General Court to amend the Town Charter, Chapter 620 of the Acts of 1966, as amended, as set forth below, and further to authorize the General Court to make clerical or editorial changes of form only to the bill, except that the Select Board may approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT TO AMEND THE TOWN CHARTER OF IPSWICH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 11 of the Charter of the Town of Ipswich is hereby amended as follows:

[Note: ***bold italics*** = new language]

Section 11 Powers and Duties of the Town Manager

(d) Notwithstanding the provision of section one hundred and eight of chapter forty-one of the General Laws, the Town Manager shall fix the compensation of all officers and employees subject to removal by the town manager. Said compensation shall not exceed the sums appropriated by the Town. ***Both employment contracts with individuals under Chapter 41, and collective bargaining agreements under Chapter 150E negotiated by the Town Manager shall be subject to the policy of and final approval of the Select Board.***

Summary: This article would add Select Board review and approval of all town employee contracts, both union and non-union personnel. Currently, employee contracts can be negotiated and approved solely by the Town Manager; this action would add an additional layer of review and approval by the Select Board to all employee contracts. This does not apply to personnel employed by the Ipswich school district.

ARTICLE 12 - An Act to Amend the Town Charter Related to Town Manager Supervision of Ipswich Electric Light Department

Submitted by: Select Board

To see if the Town will vote to authorize the Select Board to petition the Legislature to amend the Town Charter, Chapter 620 of the Acts of 1966, as amended, as set forth below, and further to authorize the Select Board to approve amendments to the bill before enactment by the Legislature which shall be within the scope of the general public objectives of the petition.

AN ACT TO AMEND THE TOWN CHARTER OF IPSWICH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 22 of the Charter of the Town of Ipswich is hereby amended by striking out the second sentence and inserting in place thereof the following three sentences:

Section 22: Electric Light Department

*The Electric Light Department in existence at the time of acceptance of this act shall continue in force and effect. ~~Said department shall be under the direct supervision of an officer to be known as the Electric Light Manager, but shall be subject to the general supervision of the Town Manager who shall be responsible to the select board as Electric Light Commissioners.~~ **Said department shall be under the direct supervision of the Town Manager, who shall hold all of the powers and duties of the manager set forth in G.L. c.164 §56 subject to the general supervision of the select board as Electric Light Commissioners. The Town Manager may operate said department through an Electric Light Manager, and may establish an employment contract for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of his duties or office, liability insurance, conditions of discipline, termination, dismissal, and reappointment, performance standards and leave for the Electric Light Manager, which contract shall prevail over any conflicting provision of any local personnel by-law, ordinance, rule or regulation. In addition to the benefits provided municipal employees under chapters thirty-two and thirty-two B, said contract may provide for supplemental retirement and insurance benefits.***

SECTION 2. Section 3 of the Charter of the Town of Ipswich is hereby amended by striking the phrase “an Electric Light Manager,” from the first sentence.

Section 3: Appointive Powers of the Select Board

The select board shall appoint and may remove election officers, registrars of voters (except the Town Clerk), Trust Fund Commissioners, Town Accountant, Zoning Board of Appeals, ~~an Electric Light Manager~~, and the Town Manager. The Treasurer and Collector shall be appointed by the select board as provided in chapter two hundred and fifty-one of the acts of nineteen hundred and sixty-three, which was accepted by the town of Ipswich in March nineteen hundred and sixty-four and which shall not be affected

by this act in any way. The Town Accountant and the Treasurer and Collector shall, in the performance of their duties, be subject to the general supervision and direction of the Town Manager.

SECTION 3: This act shall take effect upon its passage.

Summary: Currently, the Electric Light Manager provides the direct supervision to the Electric Light Department. This article would place the Electric Light Department under the direct supervision of the Town Manager, similar to the other utilities and town departments. This article will also align the electric light department with other town departments and provide centralized support with the goal of improving efficiencies and reducing expenses to rate payers.

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.

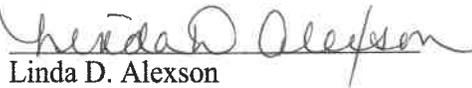
Given unto our hands this September 19th in the year of our Lord, Two Thousand and Twenty-Two.

**TOWN OF IPSWICH
SELECT BOARD**

William D. Whitmore, Chair



Sarah A. Player, Vice Chair


Linda D. Alexson



Kerry L. Mackin



Tammy Jones