

DRAFT

Record of Action
Special Town Meeting
October 25, 2022

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 Tuesday, October 25, 2022. A quorum was present (233 present/200 required), and the meeting was called to order by the Moderator, Mr. Thomas R. Murphy, at 7:19 P.M. Unless otherwise noted, all votes cast with electronic voting.

ARTICLE 1 – FY 23 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.

Motion: I move to amend the FY2023 Municipal Budget by raising and appropriating an additional \$360,533 and applying \$50,000 of it to the Management Transfer Account and applying the \$310,553 balance of it to the Reserve Fund under G.L. c. 40, Sec 6.

**Quantum of Vote: Simple Majority
Select Board Recommend: 4-0
Finance Committee Recommend: 6-0
School Committee Recommend: 7-0**

ACTION: Yes: 152, No: 2. Article 1 passes by 2/3rd vote.

ARTICLE 2 – FY 23 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.

Motion: I move to amend the FY2023 School Budget by raising and appropriating an additional \$574,945 as set forth in Article Two of the warrant for this Town Meeting.

**Quantum of Vote: Simple Majority
Select Board Recommend: 3-1
Finance Committee Recommend: 5-1
School Committee Recommend: 7-0**

ACTION: Yes: 192, No: 10. Article 2 carries by 2/3rd vote.

ARTICLE 3 – FY 23 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.

Motion: I move to increase 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 as set forth in Article Three of the warrant for this Town Meeting.

**Quantum of Vote: Simple Majority
Select Board Recommend: 4-0
Finance Committee Recommend: 6-0
School Committee Recommend: 7-0**

ACTION: Yes: 198 No: 7. Article 3 carries by 2/3rd vote.

ARTICLE 4 – FY 23 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.

Motion: I move to reduce the budget appropriated for the 2023 annual operating and debt service expenses of the Whittier Regional Vocational Technical High School from \$590,000 to \$476,233 as set forth in Article Four of the warrant for this Town Meeting.

**Quantum of Vote: Simple Majority
Select Board Recommend: 4-0
Finance Committee Recommend: 6-0
School Committee Recommend: 7-0**

ACTION: Yes: 195 No: 6. Article 4 carries by 2/3rd vote.

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.

Motion: I move to amend the Ipswich Protective Zoning Bylaw by substituting “Select Board” for “Board of Selectmen” as set forth in Article Five of the warrant for this Town Meeting.

Quantum of Vote: 2/3rds Majority
Select Board Recommend: 4-0
Finance Committee Recommend: 6-0
School Committee Recommend: 7-0
Planning Board: 5-0

ACTION: Article 5 carries by unanimous consent.

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.

Motion: I move to authorize the Select Board as Water Commissioners to lease space on the Plover Hill Water Tank for the construction and attachment of Wireless Communications Facilities as set forth in Article Six of the warrant for this Town Meeting.

Quantum of Vote: Simple Majority
Select Board Recommend: 4-0
Finance Committee Recommend: 6-0

ACTION: Yes: 177 No: 6. Article 6 carries by 2/3rd vote.

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.

Motion: I move to amend Section 15-29 of the General Bylaws by creating an additional revolving fund with a \$17,000 expenditure limit both as set forth in Article Seven of the warrant for this Town Meeting.

ACTION: Yes: 197 No: 14 Article 7 carries by 2/3rd vote.

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

TABLE OF USE REGULATIONS (cont'd)										
PRINCIPAL USE	DISTRICT									
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	<i>P</i> <i>SPB</i> ₄ ³	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	<i>P</i> <i>SPB</i> ₄ ³	SBA ₄ ²	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>	---	---	---	---	---	---	<i>P</i>	<i>P</i>	---	---

...or take any other action thereto.

Quantum of Vote: 2/3rds Majority
 Select Board Recommend: 4-0
 Finance Committee Recommend: 6-0
 School Committee Recommend: 7-0 RATM
 Planning Board: 5-0

Motion Article 8 Part 1- Amend Zoning Bylaw:

I move to amend the Open Space Preservation Zoning & Water Supply Protection Section of the Ipswich Protective Zoning Bylaw as forth in Part 1, Sub-Parts b. and c. (only) of Article Eight of the warrant for this Town Meeting.

ACTION ARTICLE 8 PART 1: Yes: 152 No: 68. Article 8 Part 1 carries by 2/3rd vote.

Motion Article 8 Part 2 – Amend Zoning Bylaw Regulations:

I move to amend the Table of Use Regulation in Section V of the Ipswich Protective Zoning Bylaw as forth in Part 2 of Article Eight of the warrant for this Town Meeting.

ACTION ARTICLE 8 PART 2: Yes: 189 No: 20. Article 8 Part 2 carries by 2/3rd vote.

**Motion Article 8 Part 3 – Add Definition and Amend Regulations in Zoning Bylaw
I move to take no action on Article 8 Part 3.**

ACTION: Yes: 167 No: 14. Article 8 Part 3 carries by majority vote.

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:

TABLE OF DIMENSIONAL AND DENSITY REGULATIONS 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 (%) ²⁰	Max. floor area ²¹	Min. open space (%)
Rural Residence (RRA & RRC) (Amended 10/15/01 STM; AG 2/19/02)	Single-family, detached (Amended 10/22/90 STM; AG 1/14/91) (Amended 10/15/01 STM; AG 2/19/02)	87,120 ^{25,26}	175 ²²	150 ²²	50 ¹²	40 ¹²	30 ¹²	20	—	50
	Single-family, attached	See \supset IX.A. ^{25,26}	20	20	20 ¹²	None ^{4,1} ₂	20 ¹²	See \supset IX.A.	—	See \supset

**TABLE OF DIMENSIONAL AND DENSITY REGULATIONS
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 (%) ²⁰	Max. floor area ²¹	Min. open space (%)
	(Amended 10/22/90 STM; AG 1/14/91) (Amended 10/15/01 STM; AG 2/19/02)									IX.A.
	Two-family (Amended 10/18/04 STM; AG 1/27/05)	130,680	250	150	50	40	30	20	—	50
	Open Space Preservation zoning	See \exists IX.A. ²⁵	—	—	—	—	—	—	—	—
	All other permitted uses (Amended 4/7/86 TM; AG 5/13/86)	87,120	175 ²²	150 ²²	50	40	30	20	—	50
Rural Residence (RRB ¹⁸) (Amended 10/15/01 STM; AG 2/19/02)	Single-family, detached (Amended 10/22/90 STM; AG 1/14/91) (Amended 10/15/01 STM; AG 2/19/02)	87,120 ^{25,26}	175 ²²	150	20	20 ¹⁹	20 ¹⁹	20	30	50
	Single-family, attached (Amended 10/22/90 STM; AG 1/14/91) (Amended 10/15/01 STM; AG 2/19/02)	See \exists IX.A. ^{25,26}	—	—	—	—	—	—	—	—
	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	9,000 for first dwelling unit + 5,000 per DU thereafter	90	50	20	10	20	40	40	30

**TABLE OF DIMENSIONAL AND DENSITY REGULATIONS
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 (%) ²⁰	Max. floor area ²¹	Min. open space (%)
	12/12/05) (STM 10/16/21, AG 2/2/22)									
	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)	8,000	50	50	0 ²⁴	10 ⁵	20	80	170	5
	Mixed residential/business use (Amended 10/16/06; AG 1/4/07)	8,000	50	50	0 ²⁴	10 ⁵	20	80	170	5
	All other permitted uses	8,000	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/DU thereafter up to 6 units; 5,000/DU each unit over 6 ¹¹	50	50	10 ²⁹	10 ⁵	20	80	80	5
	Mixed residential/business use (Amended 10/16/06; AG	3,000 for first dwelling unit + 2,000/DU	50	50	10 ²⁹	10 ⁵	20	80	80	5

	1/4/07)	there- after ^{11,30}								
	All other permitted uses	5,000	50	50	10 ²⁹	10 ³	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 dwell- ing unit+ 5,000/DU thereafter	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.

Quantum of Vote: 2/3rds Majority
Select Board Recommend: 4-0
Finance Committee Recommend: 6-0
School Committee Recommend: 7-0 RATM
Planning Board Recommend: 5-0

MOTION Article 9 Part 1 – Amend Zoning Bylaw “Lot Area”:

I move to amend the Table of Use Regulation in Section V of the Ipswich Protective Zoning Bylaw as forth in Part 2 of Article Eight of the warrant for this Town Meeting.

ACTION Article 9 Part 1 – Amend Zoning Bylaw “Lot Area”: Yes: 98 No: 88. Fails to carry by 2/3rd vote.

MOTION Article 9 Part 2 – Amend Zoning Bylaw “Floor Area Ratio”:

I move to take no action on Article 9 Part 2.

ACTION Article 9 Part 2: Yes: 151 No: 10. Carries by majority vote to take no action on Article 9 Part 2.

MOTION Article 9 Part 3 – Amend Zoning Bylaw – Building Height:

I move to take no action on Article 9 Part 3.

ACTION Article 9 Part 3 – Amend Zoning Bylaw – Building Height: Yes: 164 No: 15. Carries by 2/3rd vote to take no action on Article 9 Part 3.

MOTION Article 9 Part 4 – Amend Zoning Bylaw “Parking Layout”:

I move to take no action on Article 9 Part 4.

ACTION Article 9 Part 4 - Amend Zoning Bylaw “Parking Layout”: Yes: 168 No: 10. Carries by the necessary majority to take no action on Article 9 Part 4.

MOTION Article 9 Part 5 – Amend Zoning Bylaw “Multi-Family Residential Development”:

I move to amend the definition of Multi-Family Residential Development in Section III of the Ipswich Protective Zoning Bylaw as provided in Part 5 of Article Nine of the warrant for this Town Meeting.

ACTION Article 9 Part 5 - Amend Zoning Bylaw "Multi-Family Residential Development": Yes: 198 No: 15. Article 9 Part 5 carries by 2/3rd vote.

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

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.

**Quantum of Vote: Simple Majority
Select Board Recommend: 4-0
Finance Committee Recommend: 0-6 (opposed)
School Committee Recommend: 7-0**

MOTION: I move to change the date of the annual town meeting by amending Section 25-2 of the General Bylaws by rewriting the first sentence of sub-section A to read as follows:

"The Annual Town Meeting of the Town shall be held on the second Tuesday of the month of May and at a time begin no earlier than May 1 and 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."

ACTION: Yes: 83 No: 120. Article 10 fails to pass by the necessary majority.

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.

Finance Committee Recommendation: The Finance Committee unanimously supports this article. Presently, the Select Board is not always involved in the town's contracting process, this article will require the Select Board's oversight of all town union and employee contracts going forward. The Finance Committee supports this improvement to the checks & balances control in the town contracting process. Note: Along with employee union contracts, the town today enters employee contracts with the: Town Manager, Police Chief, Fire Chief, Electric Light Manager and Town Treasurer.

Quantum of Vote: Simple Majority
Select Board Recommend: 4-0
Finance Committee Recommend: 6-0

MOTION: I move to authorize the Select Board to petition the General Court to amend the Town Charter to give the Select Board final approval of certain employment contracts all as set forth in Article Eleven of the warrant for this Town Meeting and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court which shall be within the scope of the objectives of the petition.

ACTION: Yes: 84 No: 114. Article 11 fails to carry by the necessary majority.

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 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 ratepayers.

Finance Committee Recommendation: This article proposes to restructure the Electric Light Department by installing the Town Manager as the ELD manager, in addition to the Town Manager’s other duties. The Finance Committee unanimously opposed this article. Although acknowledging that the ELD’s reporting could be improved, FinCom members understood that the ELD was functioning well. A restructuring is unnecessary. Also, members were concerned that a town manager proficient in managing town functions would unlikely have the requisite skills to manage a technical department that purchases millions of dollars of electric power from the market and operates in an environment regulated by federal and state agencies. There was also concern that this proposal had not been reviewed by the Electric Light Subcommittee or Government Study Committee.

**Quantum of Vote: Simple Majority
Select Board Recommend: 3-1**

MOTION: I move that the meeting take no action under Article 12.

ACTION: Yes: 113 No: 54. Article 12 carries by the necessary majority vote.

A motion was made and carried by voice vote to dissolve the meeting and Town Meeting was adjourned at 9:08 PM.

A TRUE COPY ATTEST:

Amy S. Akell, MMC/CMMC
Town Clerk