

Commonwealth of Massachusetts

Town of Ipswich

Warrant for Special Town Meeting

October 24, 2023

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 24, 2023, 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 24, 2023**

<b>Article #</b>	<b>Title</b>	<b>Submitted by</b>
<b>1</b>	<b>FY24 Municipal Budget (State Aid)</b>	Select Board
<b>2</b>	<b>FY24 School Budget (State Aid)</b>	School Committee
<b>3</b>	<b>FY24 Municipal Budget (Regional Animal Control)</b>	Select Board
<b>4</b>	<b>Appropriation to Essex Tech</b>	Town Manager
<b>5</b>	<b>Transfer Funds for Opioid Remediation Purposes</b>	Select Board
<b>6</b>	<b>Water Department Infrastructure Improvements</b>	Select Board as Water Commissioners
<b>7</b>	<b>Public Safety Facility Bid Contingency Funds</b>	Select Board
<b>8</b>	<b>Amend Town Government Study Committee Bylaw</b>	Government Study Committee
<b>9</b>	<b>Adoption of the Specialized Stretch Building Code</b>	Climate Resiliency Committee
<b>10</b>	<b>Drive-through Facilities</b>	Planning Board
<b>11</b>	<b>Miscellaneous Change to Nonconforming Height Restrictions</b>	Planning Board
<b>12</b>	<b>Miscellaneous Change to Fence Height Regulations</b>	Planning Board
<b>13</b>	<b>Authorize Conservation Commission to Enter into Lease of Farm Fields at 275 Linebrook Road</b>	Planning Board
<b>14</b>	<b>Amending Town Charter to Give Select Board Exclusive Authority to Appoint Members of Planning Board (Citizen Petition)</b>	Daniel Kelly, et al.

*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 Board Office at (978) 356-6604.*

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**ARTICLE 1 – FY 24 Municipal Budget (State Aid)**Submitted by: *Select Board*

To see if the Town will vote to amend the FY2024 Municipal Budget approved under Article 4 of the May 9, 2023, Annual Town Meeting by raising and appropriating the additional sum of \$135,570 of which \$119,970 is moved to the Management Transfer account and \$15,600 to the Conservation Comm. Permanent Part-Time account for the purpose of funding the Conservation Comm. Field Inspector, or take any other action relative thereto.

*Summary: The State budget has been finalized, and the Town will receive additional Local Aid. The appropriation to the Conservation Commission Field Inspector is due to the Wetlands Fund being drawn down and does not have enough funds to afford the Field Inspector. The appropriation to the Field Inspector account from the General Fund in FY24 will give the Wetlands Fund time to replenish. The funds transferred to the Management Transfer account allows for any unanticipated expenses or unforeseen shortages in town budgets in the fiscal year. This article requires a simple majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**  
**School Committee Recommend: 6-1 abstention**

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**ARTICLE 2 – FY 24 School Budget (State Aid)**Submitted by: *School Committee*

To see if the Town will vote to amend the FY2024 School Budget approved under Article 5 of the May 9, 2023, Annual Town Meeting by raising and appropriating the additional sum of \$122,227 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. This article requires a simple majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**  
**School Committee Recommend: 7-0**

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**ARTICLE 3 – FY 24 Municipal Budget (Regional Animal Control)**Submitted by: *Select Board*

To see if the Town will vote to amend the FY2024 Municipal Budget approved under Article 4 of the May 9, 2023, Annual Town Meeting by raising and appropriating the additional sum of \$150,694 to the Animal Control budget, within the Public Safety Directorate, or take any other action relative thereto.

*Summary: A Regional Animal Control has been formed with an agreement signed by the Towns of Ipswich, Boxford, Newbury and Rowley. This agreement was signed after the Town had voted the budget for our own Animal Control in the amount of \$84,381.48. The budget has been increased to provide regional services but the costs will be offset by the revenue received from Boxford, Newbury and Rowley. Ipswich's share of the regional operation for FY24 will be \$79,176.25. This article requires a simple majority vote.*

292 ANIMAL CONTROL		FY2024	FY2024
Acct. #	Account Description	ATM Approved	STM Requested
12921-5112	Appointed Salary Chief Animal Control Officer	\$ 60,934.80	\$ 85,000.00
12921-5113	Salary Permanent Full Time		\$ 73,275.00
12921-5116	Permanent Part Time	\$ 14,455.00	
12921-5121	Temporary Part Time		\$ 10,000.00
12921-5123	Other Pay	\$ 2,941.68	
	General Benefits		\$ 35,000.00
12921-5197	Uniform Allowance		\$ 800.00
	<b>PERSONNEL SUB-TOTAL:</b>	<b>\$ 78,331.48</b>	<b>\$ 204,075.00</b>
12922-5211	Electricity		\$ 6,500.00
12922-5231	W&S Utilities		\$ 1,000.00
12922-5244	Maintenance Contracts		\$ 7,000.00
12922-5245	Motor Vehicles	\$ -	\$ 600.00
12922-5246	Radio Equipment	\$ -	\$ 1,000.00
12922-5301	Medical Exams	\$ 750.00	\$ 2,500.00
12922-5310	Consultant	\$ -	\$ 3,000.00
12922-5422	Printed Forms & Licensing	\$ 1,750.00	\$ 6,000.00
12922-5482	Tires	\$ -	\$ 1,000.00
12922-5511	Training	\$ 500.00	\$ 750.00
12922-5585	Boarding Dogs	\$ 50.00	\$ 250.00
12922-5588	Other Supplies	\$ 2,850.00	\$ 1,000.00
12922-5721	Out of State Travel	\$ 50.00	\$ 200.00
12922-5731	Association Dues	\$ 100.00	\$ 200.00
12922-5818	Vehicles	\$ -	
	<b>EXPENSES SUB-TOTAL:</b>	<b>\$ 6,050.00</b>	<b>\$ 31,000.00</b>
<b>292</b>	<b>ANIMAL CONTROL SUB-TOTAL:</b>	<b>\$ 84,381.48</b>	<b>\$ 235,075.00</b>

Ipswich Assessment	\$	79,176.25
Boxford Assessment	\$	58,768.75
Newbury Assessment	\$	48,565.00
Rowley Assessment	\$	48,565.00

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**

**ARTICLE 4 – Appropriation to Essex Tech**

Submitted by: *Town Manager*

To see if the Town will amend the action taken under Article 7 of the May 9, 2023 Annual Town Meeting by reducing or increasing the Town’s share of the budget appropriated for the FY2024 annual operating and debt service expenses of the Essex North Shore Agricultural & Technical School District, or take any action relative thereto.

*Summary: The Essex North Shore Agricultural & Technical School District Estimated FY2024 Budget was voted at the Annual Town Meeting in the amount of \$383,082. This estimate is for the tuition and estimated transportation costs of 15 students. After the October 1 official enrollment is completed, the final budget figure will be available in mid-October. The final FY2024 Budget figure will be included in the motion of this article. This requires a simple majority vote.*

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

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**ARTICLE 5 – Transfer Funds for Opioid Remediation Purposes**Submitted by: *Select Board*

To see if the Town will vote to transfer from available funds, the sum of \$91,956.35, to Public Health Other Consultants budget for the purpose of Opioid Remediation, or take any other action relative thereto.

*Summary: National litigation was brought against distributors, pharmacies and manufacturers of opioids. Massachusetts has reached proposed nationwide settlements with two pharmaceutical manufacturers, Teva and Allergan, and three pharmacies, CVS, Walgreens, and Walmart. There was a former settlement with Johnson & Johnson.*

*Under the terms of the State's approved State-Subdivision Agreement, 40% of abatement funds coming into Massachusetts under statewide opioid settlements will be allocated to municipalities to expend on abatement strategies developed with input from public health experts, municipal leaders, and families affected by the crisis; and 60% of the abatement funds will be allocated to the State's Opioid Recovery and Remediation Fund to fund additional prevention, harm reduction, treatment, and recovery programs throughout Massachusetts.*

*Ipswich has received 2 payments from the Distributor settlement totaling \$31,150.59 in July and October of 2022. In November, the Town received payments 1-5 from Johnson and Johnson totaling \$60,805.76. Per MGL, the deposits needed to flow to Free Cash and now the Town can transfer them to an appropriate General Fund account for the purpose of remediation of the opioid crisis. The Town is currently exploring regional partnerships that could be funded with these funds. This article requires a simple majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**

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**ARTICLE 6 - Water Department Infrastructure Improvements** Submitted by: *Select Board as Water Commissioners*

To see if the Town will vote:

(1) to appropriate the sum of \$1,500,000 to survey, design, permit and construct improvements to the Town's water system, including the payment of costs incidental or related thereto; and (2) to raise this appropriation by authorizing the Treasurer, with the approval of the Select Board (Board of Water Commissioners), to issue bonds or serial notes under the provisions of Massachusetts General Laws Chapter 44, as amended; and (3) to rescind the borrowing authority conferred by Article 20 of the May 9, 2023 Annual Town Meeting, or take any other action relative thereto.

*Summary: This article was previously presented at the May 9, 2023 Annual Town Meeting as Article 20 requesting \$2,500,000 by a vote of 192-1. Unfortunately, the motion incorrectly referenced the need for a ballot vote and the borrowing was not approved by bond counsel. Therefore, the prior authorization needs to be rescinded and the appropriation request must be brought back to Town Meeting to be re-voted. Since the 2023 Annual Town Meeting, the Water Department received a \$1,000,000 grant from the Executive Office of Energy and Environmental Affairs for this project, therefore this request has been reduced to \$1,500,000.*

*This article will authorize the Treasurer to borrow the sum of \$1,500,000 to replace water infrastructure within the Town of Ipswich. Funds are anticipated to be used to construct upgrades to Dow Dam gate house, discharge, raw water piping and associated appurtenances. The upgrades are required as part of an order issued by the Massachusetts Office of Dam Safety following the dam failure in 2018 and were identified as needed in the 2020 Asset Management Plan. In addition to satisfying regulatory requirements, the upgrades will restore the useful life of these critical assets that provide 60-70% of the town's water and provide operational flexibility and increased use of reservoir storage volume. These upgrades will improve system reliability, resilience and redundancy. While debt issued by the Town is a general obligation of the town payable from all sources of revenue, it is anticipated that the cost of this project will be borne, in the first instance, by the Water Department rate payers and will be factored into future budget and rate projections. It is anticipated that there is no impact on the tax rate. This article requires a 2/3 majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**

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**ARTICLE 7 - Public Safety Facility Bid Contingency Funds**Submitted by: *Select Board*

To see if the Town will transfer from available funds the amount of \$500,000, more or less, for the purpose of creating a contingency fund for the Public Safety Facility bidding process, or take any action relative thereto.

*Summary: Inflation in the construction industry has increased at an unprecedented rate since the Public Safety Facility was authorized by Town Meeting, which has impacted the project costs. This article creates a contingency fund within the project budget of \$500,000, more or less, in case the construction bids exceed the budget. The funds are not intended for additional design or project scope. This requires a simple majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 4-5**  
**School Committee Recommend: RATM**

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**ARTICLE 8 - Amend Town Government Study Committee Bylaw**Submitted by: *Government Study Committee*

To see if the Town will vote to amend the Town Government Study Committee Bylaw as follows:

General Bylaws-Chapter 35- Town Officers, Boards, Committees and Commissions.

Article X Town Government Study Committee.

Section 35-42 Establishment and Membership.

The Town Government Study Committee was permanently established by the December 10, 1962, Town Meeting unanimous approval of Warrant Article 17. The Committee shall hence forth consist of five members with staggered three-year terms. The Select Board, Finance Committee, and School Committee shall each appoint one committee member or designee.

Town Meeting shall appoint two Committee **members**-at-large. The Committee shall post sixty-day public notice of Town Meeting **member** at-large appointment vacancies **and in local media, on the Town website, and request announcements at public meetings. The Committee will** submit the Town Meeting warrant article for any **Town Meeting** appointments to the Committee.

Should no one be appointed **at by** Town Meeting, the first **member-at-large** vacancy will be appointed by the Town Moderator and any second **member-at-large** vacancy will be appointed by the Town Manager.

35-43 Responsibilities and Referrals.

~~The Select Board and Town Meeting will refer topics to the Committee for review and recommendation. The Committee makes annual reports and recommendations regarding these referred topics to the Select Board and Town Meeting on matters pertaining to Town Charter and Town Bylaws. The Committee will perform periodic broad review of Town government structure and may recommend Charter or bylaw changes or the filing of special acts with the State Legislature be considered, after conducting a public hearing thereon during a Select Board meeting.~~

The Committee is a public Town resource for research and recommendations on best practice in Town Government. The Committee makes annual reports to the Select Board and Town Meeting relating to Town Charter and Town Bylaw amendments that are legislative in nature.

The Select Board, or Town Meeting if a topic is listed on a duly posted warrant, may refer topics to the Committee for review and recommendation.

**In addition, the Committee may perform review of Town government structure and may recommend Charter or bylaw changes or the filing of special acts with the State Legislature after conducting a public hearing thereon during a Select Board meeting.**

**~~35-44 Quorum.~~**

**~~A quorum of the Town Government Study Committee shall consist of no fewer than three members.~~**

*Summary: In response to a fall 2023 Town Meeting Citizen Petition warrant article on GSC review and recommendations on the current GSC bylaw, the Select Board unanimously voted at their April 10, 2023, meeting “to charge the GSC with reviewing the current GSC bylaw, and the GSC can make recommendations and possible amendments to the bylaw for Town Meeting”*

*This proposed GSC Bylaw Section 35-42 Establishment and Membership clarifies notification of Town Meeting appointments to the GSC, and the designation of Town Meeting members-at large if appointed by Town Meeting, the Moderator or Town Manager.*

*The proposed GSC Bylaw Section 35-43 Responsibilities and Referrals is intended to clarify the GSC role in Town Government, Committee responsibilities, Committee relationship to the Select Board and Town Meeting, and Town Meeting referring topics to the GSC. This article requires a simple majority vote.*

**Select Board Recommend: 2-3**  
**Finance Committee Recommend: 2-7**  
**School Committee Recommend: RATM**

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**ARTICLE 9 – Adoption of the Specialized Stretch Building Code**

Submitted by: *Climate Resiliency Committee*

To see if the Town will vote to enact Chapter 190 of the Town of Ipswich General Bylaws, entitled “Specialized Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of July 1, 2024, a copy of which is on file with the Town Clerk, or take any other action relative thereto.

*Summary: The purpose for amending the Stretch Building Code by adopting the Specialized Stretch Code (SSC) is to:*

- *Reduce Greenhouse Gas Emissions from the building sector that contributes 30% of emissions overall, through these key upgrades to the Stretch Code:*
  1. *New construction single family residences of all sizes that choose to build using fossil fuels in the building must prewire the building to simplify conversion to an all-electric building in the future and must install solar roof panels if feasible.*
  2. *New construction single family homes over 4,000 square feet (sf) in size, must build to higher energy efficiency standards and install solar panels if feasible.*
  3. *Multi-family buildings over 12,000sf must also be built to improved efficiency standards and install solar panels if feasible.*
  4. *Small commercial buildings and offices and schools must install electric wiring and solar panels if feasible.*
- *Encourage construction that is in general less expensive to build and to operate*
- *Improve indoor air quality in new buildings.*
- *Reduce costs to convert buildings to electricity when required.*

*This article requires a simple majority vote.*

**Select Board Recommend: 2-3**  
**Finance Committee Recommend: 9-0**

**ARTICLE 10 - Drive-through Facilities**

Submitted by: *Planning Board*

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

- 1) Amend Section III. Definitions, by adding a new definition, “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 who drives a motor vehicle onto the premises and to a window or mechanical device through or by which the person receives service without exiting the vehicle.”***

- 2) Amend Section V. Use Regulations, Table of Use Regulations, by adding a new row under “Accessory Use,” adding the use “Drive-Through Facility,” and allowing it as shown below:

<b>TABLE OF USE REGULATIONS (cont’d)</b>										
<b>ACCESSORY USE</b>	<b>DISTRICT</b>									
	<b>RRR<sup>16</sup></b>	<b>RRB<sup>16</sup></b>	<b>RRC<sup>16</sup></b>	<b>IR<sup>16</sup></b>	<b>GB<sup>16</sup></b>	<b>CB<sup>16</sup></b>	<b>HB<sup>16</sup></b>	<b>PC<sup>16</sup></b>	<b>I<sup>16</sup></b>	<b>LI<sup>16</sup></b>
<b><i>Drive-Through Facility</i></b>	<b><i>--</i></b>	<b><i>--</i></b>	<b><i>---</i></b>	<b><i>---</i></b>	<b><i>SPB</i></b>	<b><i>SPB</i></b>	<b><i>SPB</i></b>	<b><i>SPB</i></b>	<b><i>SPB</i></b>	<b><i>SPB</i></b>

Or to take any other action relative thereto.

*Summary: Drive-through facilities can be problematic if not properly designed or located on lots with insufficient area to accommodate queuing traffic on-site. Although drive-through facilities are subject to site plan review, Town currently lacks the ability to deny a drive-through that is determined to be inappropriate for a specific property.*

*The article does the following: (a) adds drive-through facilities as an accessory use under the Table of Uses in Section V.D. of the zoning bylaw, allowing them in all non-residential districts by special permit from the Planning Board; and (b) adds a definition of drive-through facilities in Section III.*

*The Planning Board initiated a similar article for the 2022 Fall Town Meeting (which it later withdrew), except that proposal would have prohibited drive-through facilities outright in the CB and GB Districts. Given that there are several drive-through facilities in these districts that operate without issue (Institution for Savings at 2 Depot Square, TD Bank North at 23 Market Street, and the drive-through at CVS, which was approved by the Board just a few years ago,) and given the possibility that another commercial user for which drive-through facilities are typically used might seek to locate in the CB or GB Districts, the Board has concluded that it is more appropriate to regulate these facilities on a case by case basis than through an absolute prohibition.*

*Consistency with Town Plans: This proposed amendment is not specifically recommended by the 2021 Community Development Plan, but is consistent with Goal 7. This article requires a 2/3 majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**  
**Planning Board Recommend: 5-0**

**ARTICLE 11 - Miscellaneous Change to Nonconforming Height Restrictions**

Submitted by: *Planning Board*

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

- (1) Amend “II. APPLICABILITY, B.3” by deleting paragraph “e.” in its entirety

~~e. Alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.~~



*Summary: As the Building Inspector's Office and the Planning Office work with the zoning bylaw, they occasionally discover ambiguities, omissions, or inadequacies in certain of its provisions.*

*This year the Building Inspector has identified language that could be improved upon as it pertains to provision 3. under B. Nonconforming Uses and Structures in Section II. This provision allows the Building Inspector to exempt certain extensions or alterations to nonconforming single- and two-family structures from obtaining a finding from the Zoning Board of Appeals that the alteration is not substantially more detrimental than the existing nonconforming structure, on the grounds that the alteration to the structure does not increase the nonconformity and thus doesn't require ZBA approval. In the Building Inspector's opinion, with which the Planning Department and the Planning Board concur, the exemption related to height should not be allowed, because any increase in height to a nonconforming structure cannot avoid increasing its nonconformity. Accordingly, this article would eliminate paragraph e. under 3 in its entirety.*

*Consistency with Town Plans: The zoning bylaw is one of the Town's primary mechanisms by which it implements the goals and recommendations of its long-term planning documents such as the 2021 Community Development Plan and the 2020 Housing Planned Production Plan. As such, ensuring that the language of its regulations achieve its purposes is fully consistent with all of the Town's long-term planning documents. This article requires a 2/3 majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**  
**Planning Board Recommend: 5-0**

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## **ARTICLE 12 - Miscellaneous Change to Fence Height Regulations**

Submitted by: *Planning Board*

To see if the Town will vote to:

(1) Amend "VI. DIMENSIONAL AND DENSITY REGULATIONS, B. Footnotes to Table of Dimensional and Density Regulation, Footnote 17" as follows: (~~strike through~~ = language to be deleted; ***bold italics*** = new language)

"17. The following shall be exempt from the provisions of this Section: mailboxes, yard light-posts, flagpoles .... and landscaping features. Fences or walls are also exempt from the setbacks established in this Section, subject to the following requirements:

... c. ~~A building permit shall be obtained for all f~~***Fences over six (6) seven (7) feet in height shall only be allowed upon the issuance of a building permit and a special permit from the Board of Appeals, the latter only upon a finding that the proposed fence height is appropriate and necessary for the nature of the property's use, and is not creating a public nuisance as described in Section 21 of Chapter 49 of the Massachusetts General Laws.***"; or to take any other action relative thereto.

*Summary: This article is to modify a footnote to the Table of Dimensional and Density Regulations pertaining to fences. The Building Inspector requests two changes to the fence requirements: 1) to increase the height at which a fence requires a building permit, from six to seven feet, making it consistent with a recent change to the state building code; and 2) to add a requirement that fences over seven feet in height require a special permit from the ZBA. This would give the ZBA the ability to prohibit fences of certain heights if it determines that the proposed height would constitute a public nuisance as described in Chapter 49, Section 21 of the Mass General Laws. The Building Inspector's request for the latter change relates to a property owner dispute he has been involved with in which one of the parties has been attempting to erect a "spite" fence. This article requires a 2/3 majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 8-1**  
**Planning Board Recommend: 5-0**

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## **ARTICLE 13 – Authorize Conservation Commission to Enter into Lease of Farm Fields at 275 Linebrook Road**

Submitted by: *Planning Department*

To see if the Town will authorize the Conservation Commission to lease approximately ten (10) acres of the 77.56-acre parcel known as 275 Linebrook Road, Assessors' Map 28C, Lot 54 for agricultural use for the purpose of growing row

crops, upon such terms and conditions as such Conservation Commission deems advisable in its discretion, for a period of up to ten (10) years, subject to the requirements of MGL Chapter 30B Sec. 16; or to take any other action relative thereto.

*Summary: The 77.56-acre Town property at 275 Linebrook Road was deeded to the Town in 1977 and was recorded at the Essex County Registry of Deeds in Book 6359, Page 040. The Town took ownership of the property under care, custody and control of the Conservation Commission as authorized by the Annual Town Meeting vote of March 3, 1975 under Article 22, for the purposes of: water supply protection; preservation of wildlife habitat; open space and scenic vistas; passive public recreation; and supporting agricultural activity. The Planning Department recommends the Conservation Commission be authorized to enter into a lease agreement with Marini Farm to continue the agricultural operation of the crop fields, which they have continually farmed since the Town took ownership of the property in 1977. The current 10-year use agreement expires in November, 2023, so a renewal is needed. This article requires a simple majority vote.*

**Select Board Recommend: 5-0**  
**Finance Committee Recommend: 9-0**

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**ARTICLE 14 – Amending Town Charter to Give Select Board Exclusive Authority to Appoint Members of Planning Board (Citizen Petition)**

Submitted by: *Daniel Kelly, et al*

To see if the town will vote to amend Sections 3 and 13 of the Town Charter.

Pursuant to the Home Rule Amendment to the Massachusetts Constitution (Amendment Article 89) and the Home Rule Procedures Act (M.G.L.C. 43B), pursuant to either Section 10 of C. 43B or by Special Act of the State Legislature, the following amendments are made to the Sections 3 and 13 of the Town Charter. Additive language is in capital letters and in bold.

**SECTION 3 Appointive Powers of the Select Board.**

[Amended 1-3-2020 by Acts of 2019, c. 152]

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, **THE PLANNING BOARD**, 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 the direction of the Town Manager. (As amended by order under General Laws Chapter 43B, Section 10, adopted by vote of Town Meeting April 6, 1998; approved by the voters on April 13, 1998; approved by the Attorney General on May 7, 1998; effective June 4, 1998)

**SECTION 13 Boards and Offices to be Appointed by the Town Manager.**

[Amended by order under MGL c. 43B, § 10, adopted by vote of Town Meeting 4-6-1998; approved by the voters on 4-13-1998; approved by the Attorney General on 5-7-1998; effective 6-4-1998; 1-3-2020 by Acts of 2019, c. 152]

The following boards or offices in existence at the time of acceptance of this act shall continue in force and effect: **[DELETE PLANNING BOARD]** Board of Assessors, Town Counsel and emergency management and civil defense director. Members of said boards or offices holding office at the time of acceptance of this act shall serve out their appointed terms, and future appointments shall be made by the Town Manager. If for any reason a vacancy occurs in any of these boards or offices, the vacancy shall be filled for the unexpired term by appointment by the Town Manager. **THE TERMS OF MEMBERS OF THE PLANNING BOARD APPOINTED BY THE TOWN MANAGER AND SERVING AS OF NOVEMBER 1, 2023 SHALL EXPIRE NO LATER THAN JULY 31, 2024. ANY VACANCIES**

**ON THE PLANNING BOARD THAT OCCUR PRIOR TO JULY 31, 2024 SHALL BE APPOINTED BY THE SELECT BOARD.**

The director of the Ipswich public library shall be appointed by the town manager with the approval of the board of library trustees. The town manager may remove the director of the Ipswich public library, with the approval of the board of library trustees, for just cause, following a hearing.

*Summary: The purpose of this citizens petition is to change the manner in which the members of the Planning Board are selected. The Planning Board is one of the most significant boards and committees of Ipswich, having responsibility under Massachusetts law to oversee and regulate key new land and construction developments and important projects requiring special permits. The Board has five members each of whom serve for a lengthy term of 5 years (and one alternate who serves for 2 years). Currently, one person – the Town Manager – has the sole and exclusive right to appoint members of the Planning Board. The Town Manager can and has made appointments with no public hearing and review process, and without the approval or knowledge of the Select Board. This petition seeks to amend the Town Charter to sunset out the existing Board members and transfer authority to appoint new Board members to the Select Board. The changes will bring transparency to the appointment process and ensure that a group of elected officials, responsible to the people, will decide by consensus and public participation who serves on this important Board. This article requires a simple majority vote.*

**Select Board Recommend: 4-1**  
**Finance Committee Recommend: 5-4**

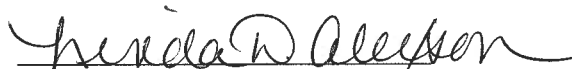
And you are directed to serve this Warrant by posting attested copies thereof in the Town Hall and in at least one public place in each precinct and by publication in a newspaper published, or having a general circulation in, the Town of Ipswich at least fourteen days prior to the time for holding the Special Town Meeting.

Given unto our hands this Fifth Day of September in the year of our Lord, Two Thousand and Twenty-Three.

**TOWN OF IPSWICH  
SELECT BOARD**




Sarah A. Playet, Chair



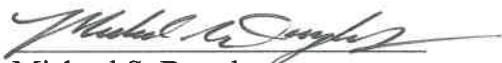
Linda D. Alexson, Vice Chair



Carl Nylén



Charles D. Surpitski



Michael S. Dougherty