

**RECORD OF ACTION TAKEN AT THE  
SPECIAL TOWN MEETING**

**OCTOBER 15, 2007**

Pursuant to the foregoing warrant, the legal voters of the Town of Ipswich met in the Ipswich High School/Middle School Performing Arts Center in said Town of Ipswich on Monday, October 15, 2007. A quorum being present (241 present – 200 required), the meeting was called to order by the Moderator, Mr. A. James Grimes, III, at 7:55 p.m.

Non-registered persons were given permission to attend the meeting as spectators and were seated on the floor to the left of the stage.

**ARTICLE 1**

**FY'07 UNPAID BILLS**

On motion made by Ms. Ingrid Miles, duly seconded it was

**UNANIMOUSLY VOTED TO:**

appropriate the sum of **\$53,806.86** to pay unpaid bills incurred in prior years and remaining unpaid:

<b>DEPARTMENT</b>	<b>VENDOR</b>	<b>AMOUNT</b>	<b>TOTALS</b>
Misc. Finance	The Ipswich Center	377.50	
	The Ipswich Center	385.91	
	Coastal Orthopedics	40.33	803.74
Consolidated Maint.	Ipswich Electric	1,642.15	
	Ipswich Water	44.56	
	Ambient Temperature Corp	411.50	2,098.21
Legal	Kopelman & Paige	18,719.38	
	Kopelman & Paige	6,896.52	25,615.90
Fire Dept.	Call Firefighter	150.00	
	Arthur Howe	850.00	1,000.00
Recreation Dept.	Trustees of Reservation	800.09	
	Ipswich Electric	110.46	910.55
Town Manager	REW Environmental	18,068.40	
	Community News	591.60	
	Eagle Tribune	488.24	19,148.24

Water Treatment	Verizon	195.32	
	ABB Inc	193.71	389.03
Veterans'	Dr. Amesbury	29.10	
	Beacon Family Med	37.41	
	Charter Prof.	89.68	
	Commonwealth Rad	44.12	
	Lahey Clinic	20.00	
	NS Cardiovascular	17.89	
	Neurological Consultants Inc.	39.50	
	Essex Cty OBGYN	240.00	
	NS Ear Nose & Throat	28.25	545.95
Police	Beverly Radiology	11.66	
	Coastal Orthopedics	40.33	51.99
Electric	Recycled Office	43.47	
	UPS	113.78	
	Verizon	<u>3,086.00</u>	<u>3,243.25</u>
<b>TOTAL</b>		<b>53,806.86</b>	<b>53,806.86</b>

and to meet this appropriation by raising \$50,174.58 from Fiscal 2008 taxes; \$389.03 from the Water Division surplus and \$3,243.25 from the Municipal Light Department surplus account.

## **ARTICLE 2**

## **FY'08 TOWN BUDGET AMENDMENTS**

On motion made by Ms. Elizabeth Kilcoyne, duly seconded it was

### **UNANIMOUSLY VOTED TO:**

amend its action taken under Article 7 of the April 2, 2007, Annual Town Meeting (the FY'08 Municipal Operating Budget), as amended by Article 8 of the April 2, 2007 Annual Town Meeting, as follows:

- 1) appropriate \$20,000 from the Waterways Improvement Fund to be added to the Harbormaster budget (12952-5432) to fund for the repair and reconstruction of the main platform area at the Town Wharf and the purchase of a gangway and float for the Town Wharf; and
- 2) appropriate \$17,445 from Federal Emergency Management Agency payments to the Town (1110-45801) to be added to the Highway Department - Road Treatment Account (14242-5242) to reimburse the Department for expenses incurred during the April 2007 Nor'easter flood emergency; and

3) transfer \$74,600 from Police Department, Ambulance Account (12102-5381) to the Fire Department Overtime account (12201-5131); and

4) transfer \$6,000 from the DPW-Equipment Maintenance account (14222-5486) and \$14,211 from the DPW-Equipment Maintenance account (14222-5483) to the DPW-Highway account (14243-5818) to fund the purchase of ancillary equipment for the sidewalk snow plow;

And further:

5) transfer \$14,665 from the Police Department Ambulance Account (12102-5381) to the Consolidated Buildings, Town Hall Maintenance Account (14722-5251) to pay for repairs and painting of the exterior woodwork at Town Hall; and

6) appropriate \$68,000 to be raised by taxes into the Stabilization Fund.

so that the total Fiscal 2008 municipal operating budget of \$13,348,002, as so amended and inclusive of override debt service, shall total \$13,385,447.

**(See attached memorandum dated October 18, 2007, from Finance Director, Rita Negri, regarding this article.)**

### **ARTICLE 3**

### **FY'08 SCHOOL BUDGET AMENDMENTS**

On motion made by Ms. Joan Arsenault, duly seconded it was

#### **UNANIMOUSLY VOTED TO:**

amend its action taken under Article 9 of the April 2, 2007, Annual Town Meeting (the FY'08 School Operating Budget) as follows:

1) appropriate \$73,152 from free cash to the School Department for Medicaid funds deposited into the General Fund during Fiscal 2007; and

2) appropriate \$117,675 from the School Insurance Recovery Fund (D-5) to reimburse the School Department for insurance payments for the flooding and ice damage incurred at the Middle School/High School complex and the Winthrop Elementary School in 2007; and

3) appropriate \$60,000 from additional Chapter 70 funds added to the Cherry Sheet during the state budget process to the School Department.

so that the total appropriation under this article will increase from \$18,058,816 to \$18,309,643.

**ARTICLE 4**

**FY'08 WHITTIER BUDGET AMENDMENT**

On motion made by Mr. Ray Morley, duly seconded it was

**UNANIMOUSLY VOTED TO:**

amend its action taken under Article 12 of the April 2, 2007, Annual Town Meeting (the FY'08 Whittier budget) by increasing the appropriation by \$4,811 from \$539,935 to \$544,746 to meet the Fiscal 2008 assessment, said sum to be transferred from taxes.

**ARTICLE 5**

**FY'08 WATER BUDGET AMENDMENT**

On motion made by Mr. James Foley, duly seconded it was

**UNANIMOUSLY VOTED TO:**

amend its action taken under Article 13 of the April 2, 2007, Annual Town Meeting (the FY'08 Water Division Operating Budget) by increasing the appropriation to be raised and assessed from \$2,398,921 to \$2,453,921, said sum to be offset by revenues from the Water Division during FY'08.

**ARTICLE 6**

**CHAPTER 90**

On motion made by Ms. Ingrid Miles, duly seconded it was

**UNANIMOUSLY VOTED TO:**

Indefinitely postpone this article.

**ARTICLE 7**

**TOWN CHARTER AMENDMENT**

On motion made by Mr. Edward Rauscher, duly seconded it was

**UNANIMOUSLY VOTED TO:**

amend Sec. 27 of the Town Charter, Estimates of Expenditures, by:

1) changing the date on which the Town Manager is required to submit a draft budget to the Board of Selectmen from "December 10" to "no later than 100 days prior to the Annual Town Meeting";

and to amend Section 28 of the Town Charter, Annual Budgets, by:

2) changing the date on which the Selectmen are required to submit a proposed budget to the

Finance Committee from “January 12” to “no later than 65 days prior to the Annual Town Meeting,” said amendments to the Town Charter to take effect only if they are approved for a second time by the Annual Town Meeting in May 2008.

**ARTICLE 8**

**TOWN BYLAW AMENDMENT**

On motion made by Mr. Patrick McNally, duly seconded it was

**UNANIMOUSLY VOTED TO:**

amend the Town Bylaws, Chapter V, Section 2a, **Consideration of Budgets**, from

“It shall be the duty of the Board of Selectmen and the School Committee to lay before the Finance Committee, on or before January 20th in each year, their budgets and projected expenses for the Town for the year, together with their recommendations for appropriations necessary to provide for the operation of the town government during the year. It shall be the duty of the Electric Commissioners to lay before the Finance Committee, on or before March 1st their projection of income and expenses for the Electric Department for the year.....”

to read:

“It shall be the duty of the Board of Selectmen and the School Committee to lay before the Finance Committee, no later than 65 days prior to the Annual Town Meeting, their budgets and projected expenses for the Town for the year, together with their recommendations for appropriations necessary to provide for the operation of the town government during the year. It shall be the duty of the Electric Commissioners to lay before the Finance Committee, no later than 65 days prior to the beginning of the fiscal year, their projection of income and expenses for the Electric Department for the year.....”;

**ARTICLE 9**

**TOWN BYLAW AMENDMENT**

On motion made by Mr. James Foley, duly seconded it was

**VOTED BY A VOICE VOTE TO:**

amend the Town Bylaws, Chapter II, Section 5, Adjournment, by inserting language at the beginning of the section to establish an adjournment time for the Annual and Special Town meetings to read:

“Annual and Special Town Meetings shall adjourn normally at 11:00 p.m. A meeting can be extended beyond 11:00 p.m. only to complete action on an article already under consideration. No motion to consider a new article may be admitted after 11:00 p.m. unless the Moderator secures a vote of the assembly to continue the meeting to a specific time or to continue until all warrant articles are completed.”

**ARTICLE 10**

**SPECIAL ACT ON SEWER EXTENSIONS**

On motion made by Ms. Elizabeth Kilcoyne, duly seconded it was

**VOTED (187 Yes – 102 No) TO:**

authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, relating to amending Chapter 83 of the Acts of 1999 regarding the method of assessing sewer betterments upon petition of abutters; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, said petition to read as follows:

**AN ACT RELATIVE TO THE OPERATION OF THE SEWER SYSTEM OF THE TOWN 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 2 of Chapter 83 of the Acts of 1999 is hereby rescinded.

Section 2. Section 7 of chapter 30 of the Acts of 1946 is hereby amended by adding the following sentence: "Notwithstanding the provisions of the first sentence to the contrary, if the owners of not less than 66 2/3rds per cent of the land abutting a proposed sewer project, calculated on a basis consistent with the determined method of betterment of those lots to be served by said project, in accordance with Massachusetts General Laws, Chapter 83, Sec. 15, petition the sewer commissioners for construction of an extension of the sewer system subject to betterment, the sewer commissioners may assess betterments up to 100 per cent of the cost of such extension to the sewer system."

Section 3. This act shall take effect upon its passage.

**ARTICLE 11**

**CITIZEN'S PETITION: SEWER EXTENSIONS**

On motion made by Mr. Patrick McNally, duly seconded it was

**VOTED BY A MAJORITY TO:**

Indefinitely postpone this article.

**ARTICLE 12**

**STORMWATER BYLAW**

On motion made by Mr. Jamie Fay, duly seconded it was

**VOTED (108 YES – 72 NO) TO:**

Indefinitely postpone this article.

On motion made by Mr. Timothy Purinton, duly seconded it was

**UNANIMOUSLY VOTED TO:**

amend the Protective Zoning Bylaw of the Town of Ipswich, as set forth in Article 13 of the warrant for the October 15, 2007 Special Town Meeting as follows:

1) Amend **I. Purpose**, first sentence, by adding, after “to protect, preserve and maintain the existing surface and groundwater supplies .... within the known aquifers of the Town;”, the words “to encourage efficient use and conservation of energy;”;

2) Amend **III. Definitions** by:

a) Revising definition of **“BUILDING HEIGHT”** by inserting “solar energy collection apparatus” after “...bulkheads, cooling towers, ventilators...”; and

b) Adding the following definitions in the correct alphabetical order:

**“SOLAR ENERGY COLLECTION APPARATUS** – A device or structural design feature, the primary purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

**WIND ENERGY CONVERSION SYSTEMS (WECS)** – All equipment, machinery and structures utilized in connection with wind-generated energy production and generation, including related transmission, distribution, collection, storage or supply systems whether underground, on the surface, or overhead and other equipment or byproducts in connection therewith and the sale of the energy produced thereby, including but not limited to, wind turbine (rotor, electrical generator and tower), anemometers (wind measuring equipment), transformers, substation, power lines, control and maintenance facilities, site access and service roads.

**WIND ENERGY CONVERSION SYSTEMS, COMMERCIAL** – WECS that are designed or operated to provide less than fifty percent (50%) of its electrical output for use on site.

**WIND ENERGY CONVERSION SYSTEMS, MUNICIPAL** – WECS located on Town-owned or Town-controlled property without regard to the ownership of the structure or equipment.

**WIND ENERGY CONVERSION SYSTEMS, NON-COMMERCIAL** – WECS that are designed or operated to provide fifty percent (50%) or more of its electrical output for use on site.”;

3) Amend **V. Use Regulations** by:

a) Revising **D. Table of Use Regulations** as follows:

- i. Under Principal Uses, Community Facilities, revise the use “Town power plant, wastewater treatment facilities...or waste related facility” by deleting the words “Town Power Plant”;
- ii. Under Principal Uses, Community Facilities, add a new principal use, “Town power plant, including a municipal wind energy conversion system” and insert “SPB<sup>17, 26</sup>” under each district column in that row;
- iii. Under Principal Uses, Commercial, add a new principal use, “Commercial wind energy conversion system” and insert “SPB<sup>17, 26</sup>” under each district column in that row;
- iv. Under Accessory Uses, add a new row, “Non-commercial wind energy conversion system”, and insert “SPB<sup>26</sup>” under each district column in that row;

b) Add a Footnote “26.” to **Footnotes to Table of Use Regulations**, said footnote “26.” to read as follows: “26. Subject to the requirements of IX.M. of this zoning bylaw.”; and

4) Amend **VI. Dimensional and Density Regulations. G. Other General Dimensional and Density Requirements, 2. a.** by deleting the word “windmill” and replacing it with the words “wind energy conversion systems”; and

5) Amend **IX. Special Regulations.** by adding a new section, **M. Wind Energy Conversion Systems (WECS)**, said section to read as follows:

“M. Wind Energy Conversion Systems (WECS)

“1. Purpose.

The purpose of this section is to encourage the use of wind energy and to minimize the impacts of WECS on the character of neighborhoods, on property values, on the scenic, historic, and environmental resources of the Town; and to protect health and safety, while allowing wind energy technologies to be utilized.

2. Applicability.

Municipal and commercial WECS are permitted principal uses and non-commercial WECS are permitted accessory uses, whether they are freestanding or building mounted, provided that they receive a special permit from the Planning Board, and that they confirm to the standards listed below.

3. Dimensional Requirements.

WECS shall comply with the following dimensional requirements:

- a. Freestanding WECS shall not exceed seventy-five (75) feet in height, measured from the average grade to the highest point reached by the blade arc, unless the Planning Board, pursuant to VI.G.2.a. of this bylaw, finds that:

- (1) A greater height does not derogate from the purpose of this section as set forth in 1. above;
  - (2) The project proponent has demonstrated that the additional height is needed; and
  - (3) The additional benefits of a higher tower outweigh any increased adverse impacts.
- b. The maximum blade elevation of a building-mounted WECS at the highest point of blade arc shall be no greater than twenty (20) feet above the existing building height.
  - c. The minimum blade elevation for all WECS shall be no less than fifteen (15) feet above the ground at the lowest point of blade arc.
  - d. All WECS shall be set back at a distance equal to not less than one (1) times the overall height of the WECS from the nearest property line or traveled way. The required setback may be reduced by the Planning Board if it determines that a lesser setback will not present a risk to the public welfare nor adversely affect any other purpose of this bylaw.
4. General Standards. The following standards shall apply to all WECS, except for paragraphs a., c., and h., which shall only apply to freestanding WECS:
- a. The only type of freestanding commercial or municipal WECS allowed are monopole towers.
  - b. Climbing access to WECS shall be adequately secured.
  - c. WECS shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of WECS, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
  - d. The noise level of WECS and associated equipment, as measured at the property line and nearest residence, shall:
    - (1) Be no greater than 10 dBA over the existing ambient noise levels; and
    - (2) Conform to Massachusetts noise regulations (310 CMR 7.10). To facilitate the Planning Board's determination of compliance with this standard, the Applicant shall be required to submit an analysis, prepared by a qualified engineer that demonstrates compliance with these noise standards, as well as consistency with Massachusetts Department of Environmental Protection guidance for noise measurement, unless the Planning Board finds the manufacturer's data on noise sufficient to make this determination.

- e. Electromagnetic Interference with radio frequency communication, traceable to the operation or location of WECS, shall be limited in accordance with all applicable sections of the Federal Communications Commission specifications.
  - f. WECS shall be inspected and serviced annually according to the manufacturer's maintenance manual and will be considered abandoned if not properly maintained for a period of one year or if designated a safety hazard by the Building Inspector.
  - g. WECS shall be painted a non-reflective color designed to blend with the surrounding environment.
  - h. All wires associated with WECS shall be located underground.
5. Submission Requirements:
- a. A plan indicating the proposed location of the proposed WECS, existing and proposed structures, aboveground utility lines and any other significant features or appurtenances;
  - b. Structural drawings of the WECS tower, including pad design and guy wire design, if applicable;
  - c. Drawings and specifications, including noise data, of the generator, hub and blades, electrical support facilities, including transformers, cables and control devices;
  - d. Drawings indicating method of making tower inaccessible to unauthorized personnel; and
  - e. An operating and maintenance manual.
6. Criteria for Review and Approval.
- a. A special permit shall be granted under this section if the Planning Board finds that each of the general standards set forth above have been met and that the location of the WECS is suitable and that the size, height and design are the minimum necessary for that purpose.
  - b. The Planning Board shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount

satisfactory to the Planning Board.

- c. The Planning Board may require the proponent to provide or pay for professional services to evaluate the proposal to determine the flexibility of geographic location, to analyze the loading capacities of the proposed structures, and to review camouflage and screening techniques.
- d. The granting of a special permit for a commercial or municipal WECS shall be conditional upon a finding by the Planning Board that the proposal is in the public interest and provides substantial benefit to the community, the burden of proof which shall rest with the applicant.
- e. Before it may approve the installation of a WECS, the Planning Board shall make a finding of fact that the locations of the facilities do not substantially adversely affect the surrounding area.”; and

4) Amend **X. Site Plan Review** by:

- a) Revising **C. General Standards** by deleting the word “and” from “10.”; adding “; and” to the end of “11.”; and adding a new standard “12.”, to read as follows: “12. Energy, water and resource efficient design, through appropriate building orientation, landscaping and use of resource efficient materials and energy- and water-efficient systems.”;
- b) Revising **K. Lighting**, second sentence, by adding the words “energy-efficient and”, after the words “Lighting shall be”;
- c) Revising **L. Site Landscaping** by adding, at the end of the paragraph, the following unnumbered sentence: “To the extent feasible or practicable, landscaping should be designed in an environmentally sensitive manner with non-invasive drought tolerant plants, so as to reduce irrigation needs and heating and cooling needs.”;

## **ARTICLE 14**

## **EXPANSION OF IN-TOWN RESIDENCE ZONING**

On motion made by Mr. Timothy Purinton, duly seconded it was

### **UNANIMOUSLY VOTED TO:**

amend the Official Zoning Map of the Town of Ipswich by rezoning the area shown on the attached map, which is on file in the office of the Town Clerk and the Department of Planning & Development, from Rural Residence A (RRA) to In-town Residence (IR) as follows:

An area along or near the northerly side of East Street, including lots on Highland Avenue and lower Spring Street, said area containing all or a portion of the following lots:

Assessor's Map: 31C;

Lots: 100, 101, 106, 107, 108, 109, 110, 111, 112, 113, 114, 121, 123, 124, 127

## **ARTICLE 15**

## **PLANNED COMMERCIAL DISTRICT REVISIONS**

On motion made by Mr. Michael Ryan, duly seconded it was

### **UNANIMOUSLY VOTED TO:**

to amend the Protective Zoning Bylaw of the Town of Ipswich as set forth in Article 15 of the warrant for the October 15, 2007 Special Town Meeting as follows:

(1) Amend "**IV. ZONING DISTRICTS, B. Intent of Districts, 6.**" by deleting the second and third sentences and substituting in lieu thereof the following sentence: Office and service uses are generally permitted; retail, research and development, enclosed manufacturing, warehousing and other commercial uses require a special permit."; and

(2) Amend "**V. USE REGULATIONS, B. Table of Use Regulations**" as follows:

Modify the "PC" column by changing the following prohibitions and allowances: after "Retail establishment selling general merchandise...", change "P" to "SPB"; after "Mini-storage warehouses", change "P" to "SPB"; after "Processing and treating of raw materials not enclosed...", change "SBA" to "-"; after "Enclosed manufacturing or processing", change "-" to "SPB"; and

(3) Amend "**VI. DIMENSIONAL AND DENSITY REGULATIONS**" by:

a) Revising **B. Table of Dimensional and Density Regulations**, as follows:

- under "District", within the Planned Commercial row, and after the words "Planned Commercial", add footnote "31."
- amend the assigned dimensional requirements shown for the uses within the PC District by deleting the percentage "40" under the Maximum Building Area column and substituting in lieu thereof the percentage "45"; and

b) Adding footnote "31." to "**FOOTNOTES TO TABLE OF DIMENSIONAL AND DENSITY REGULATIONS**," said footnote to read as follows:

"31. In the PC District, for the purpose of minimizing curb cuts along Route One, the following performance standards shall apply:

- a. No new curb cut shall be allowed that is closer than 150 linear feet from any existing curb cut, except as provided in b. or d. below. In addition, new curb cuts on state and local roads shall be discouraged and developers shall be encouraged to seek access via a common driveway serving an adjacent lot or premises.
- b. Additional curb cuts shall be prohibited as set forth above; however, in general, one driveway curb cut shall be allowed per business, except that, in the case of a project with multiple businesses on the same premises, two means of ingress and egress shall be allowed and they may be constructed to be less than 150 linear feet apart and separated by a median strip.
- c. Curb cuts shall be limited to the minimum width for safe entering and exiting. The Mass Highway Department Project Development and Design Guide,

current version, shall be used as a guide for determining adequate traffic design standards for any commercial project.

- d. The Planning Board, by special permit, may waive or alter any of the above performance standards, subject to a finding that said changes do not derogate from the intent of the Planned Commercial District.”;
- c) Revise “E. Screening Requirements”, second paragraph, first sentence, by deleting the words “Planned Commercial and Limited Industrial Districts” and substituting in lieu thereof the words “Limited Industrial District”;

## **ARTICLE 16**

## **MISCELLANEOUS ZONING**

On motion made by Mr. James Manzi, duly seconded it was

### **UNANIMOUSLY VOTED TO:**

amend the Protective Zoning Bylaw of the Town of Ipswich as set forth in Article 16 of the warrant for the October 15, 2007 Special Town Meeting, and amended as follows:

1) Amend “III. DEFINITIONS” as follows:

- a) Revise “MAXIMUM BUILDING AREA” by deleting current title and substituting in lieu thereof “BUILDING AREA”, to be listed in the proper alphabetical sequence, and by deleting the phrase “The sum of the horizontal projection(s) of all buildings or parts thereof on the lot” and substituting in lieu thereof the following: “The area of the footprint of all buildings on a lot, comprised of the sum of all horizontal projections as measured on a horizontal plane”;
- b) Revise the title of the definition “PRIVATE GUEST HOUSE” by deleting current title and substituting in lieu thereof “GUEST HOUSE, PRIVATE”, to be listed in the proper alphabetical sequence; and

(2) Amend “V. USE REGULATIONS”, as follows:

a) Amend the “TABLE OF USE REGULATIONS” by adding, to the column headings “RRA”, “RRB”, “RRC”, and “IR”, the footnote “16.”; and by deleting the footnote “20.” from the four rows within the RRB District and under the maximum building area column, and adding footnote “20.” to the top of said column, as a footnote to “Maximum building area”;

b) Amend “FOOTNOTES TO USE REGULATIONS” as follows:

1. amend Footnote “13.”, first sentence, by deleting the words “five-foot high fence” and substitute in lieu there the words “four-foot high fence”;
2. revise footnote “16.” by deleting the phrase: “In the Planned Commercial, General Business, Central Business, Highway Business, Industrial, and Limited Industrial Districts,”;
3. delete footnote “19.” in its entirety, and substitute in lieu thereof the following: “19. Reserved.”; and

(3) Amend "VI. DIMENSIONAL AND DENSITY REGULATIONS, FOOTNOTES TO TABLE OF DIMENSIONAL AND DENSITY REGULATIONS" as follows:

- a) Amend Footnote "17." by adding, at the end of the sentence, the following: "Fences or walls are also exempt from the setbacks established in this Section, subject to the following requirements:
  - a. For fences that extend beyond the required front yard setback (or the existing principal building, whichever is closer to the street), the building inspector shall have the authority to require that it be open and less than six feet in height. This requirement shall be based on a determination that the proposed fence would create an undue safety or traffic hazard by reason of impeding minimum sight distance requirements as established by the American Association of State Highway Transportation Officials (AASHTO).
  - b. All fences shall be installed so that the finished side faces the abutting properties.
  - c. A building permit shall be obtained for all fences over six feet in height and for installing any fence four feet in height or greater which extends beyond the required front yard setback (or the existing principal building, whichever is closer to the street).
  - d. All applications for fence installation shall include a plot plan showing the location of the proposed fencing."
- b) Amend Footnote "20." by deleting the current language in its entirety and substituting in lieu thereof the following: "20. The calculation of building area shall not include temporary structures or buildings, such as temporary tents and screen houses."
- c) Amend Footnote "21." by adding, prior to the existing sentence, the following:

"When calculating the maximum floor area, the following shall apply:

- a. Open sun decks shall not be calculated towards floor area;
- b."; and

(4) Amend "VII. OFF-STREET PARKING AND LOADING REGULATIONS" as follows:

- a) Modify "B. Parking Requirements, Table of Minimum Parking Requirements", by amending use "34. Shopping center" by deleting the words "Five (5) spaces for every 1000 square feet of gross leasable floor area" under the column heading "Required Parking Spaces" and substituting in lieu thereof the words "Four (4) spaces for every 1000 square feet of gross leasable floor area";
- b) Modify "O. Surface, Drainage and Curbing", first sentence, by deleting the words "asphalt, concrete or similar,";

(6) Amend "VIII. SIGNS, D. Sign Requirements per Zoning District", paragraph "8.", by deleting everything after "increased in size" and substituting in lieu thereof the following: "and number from the requirements of this subsection D., as follows:

- (a) permitted uses in the non-residential districts that contain only one use in a building may be allowed up to two wall signs, provided that the total square footage does not exceed what is otherwise permitted by more than twenty-five (25%) percent;
- (b) in no event may the allowable maximum sign sizes be increased by more than fifty (50%)";

(7) Amend "IX. SPECIAL REGULATIONS, J. Accessory Apartment" as follows:

- a) Revise "1. Purpose and Intent", first sentence, by deleting the words "conforming and";
- b) Revise "2.b." by deleting the phrase "; and shall be occupied by a maximum of two (2) persons";
- c) Revise "2.g.", first sentence, by adding the words ", RRB" after the words "In the RRA";
- d) Delete the current language under "2.i." in its entirety and substituting in lieu thereof the following language: "The record owner of the lot shall reside on the property, in either the principal dwelling or the accessory apartment.";

## **ARTICLE 17**

## **STREET ACCEPTANCES**

On motion made by Mr. Robert Weatherall, duly seconded it was

### **VOTED BY A VOICE VOTE TO:**

(1) to accept Pitcairns Way as a town street as shown a plan entitled "Street Acceptance Plan Located in Ipswich, MA, Roadway Layout, Pitcairn's Way," dated February 23, 2006 and revised August 29, 2006, prepared for BGT Trust by Acres-Engineers, Surveyors, and stamped by Alexander Curcioli, Registered Professional Land Surveyor, on June 1, 2007, a copy of which is on file in the office of the Town Clerk;

(2) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Pitcairns Way) for all purposes for which public ways are used in the Town;

(3) to accept Cogswell Street Extension as a town street as shown on the plan entitled "Definitive Plan of Land, Cogswell Street Extension, for Carl E. Gardner, Jr., dated July 1997 and revised on November 13, 1997, December 8, 1997, January 30, 1998 and May 13, 1998, prepared by Francis M. DeCesare, Registered Professional Land Surveyor and Civil Construction Management, Inc., and recorded at the Essex South District Registry of Deeds, Plan Book 327, Plan 16, a copy of which is on file in the office of the Town Clerk;

(4) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Cogswell Street Extension) for all purposes for which public ways are used in the Town;

(5) to accept Ruth Way as a town street as shown on a plan entitled "Street Acceptance Plan Located in Ipswich, MA", dated September 21, 2006, prepared for Habitat for Humanity by Meridian Associates, Inc., Donald E. Bowen, Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk;

(6) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Ruth Way) for all purposes for which public ways are used in the Town;

(7) to accept Partridgeberry Place as a town street as shown on a plan entitled "Street Acceptance Plan Located in Ipswich, MA," dated August 17, 2007, prepared for the Martins Companies by Meridian Associates, Inc., Donald E. Bowen, Registered Professional Land Surveyor, a copy of which is on file in the office of the Town Clerk; and

(8) to authorize the Board of Selectmen to acquire by gift an easement to use said street (Partridgeberry Place) for all purposes for which public ways are used in the Town.

## **ARTICLE 18**

## **PERSONAL PROPERTY ASSESSMENTS**

On motion made by Ms. Ingrid Miles, duly seconded it was

**UNANIMOUSLY VOTED TO:**

Indefinitely postpone this article.

**ARTICLE 19** **OPEN SPACE PROGRAM – ADDITIONAL PARCEL**

On motion made by Mr. Patrick McNally, duly seconded it was

**UNANIMOUSLY VOTED TO:**

add the following parcel to the Open Space Parcels List (as referenced in Article 18 of the Warrant for the April 3, 2000, Annual Town Meeting) on file in the office of the Director of Planning and Development and in the Office of the Town Clerk, said changes having been placed on file in the office of the Director of Planning and Development and in the Office of the Town Clerk by October 1, 2007:

Land now/formerly of Carol A. Lopes, TE, and Peter Lopes, located at 300 High Street, also known as Assessor's Map 20A, Parcel 033, consisting of approximately 2.05 acres.

**ARTICLE 20** **ELECTRIC DEPARTMENT SUB STATION PROJECT**

On motion made by Mr. Edward Rauscher, duly seconded it was

**UNANIMOUSLY VOTED TO:**

appropriate the sum of \$7,500,000 to survey, design and undertake construction of a new sub station and associated distribution equipment at the Vermette Court Sub Station and other improvements to the Town's electric system, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$7,500,000 under G.L. c.44, §8 or any other enabling authority to meet this appropriation;

And further move that that the Town Meeting adjourn, after acting on all articles in the warrant, to vote by printed ballot on October 30, 2007, at the YMCA Hall, County Road, the polls being open from 7:00 A.M. to 8:00 P.M. on the following question:

“Shall the Town appropriate the sum of \$7,500,000 to survey, design and undertake construction of a new sub station and associated distribution equipment at the Vermette Court Sub Station and other improvements to the Town's electric system and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$7,500,000 under G.L. c.44, § 8 or any other enabling authority to meet this appropriation?”

**ARTICLE 21** **SPECIAL ACT: INCURRING INDEBTEDNESS**

On motion made by Ms. Elizabeth Kilcoyne, duly seconded it was

**UNANIMOUSLY VOTED TO:**

authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, relating to amending Chapter II, Section 6 of the Town's General Bylaws and superseding Chapter 324 of the Acts of 1994 which ratified the current bylaw; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, said petition to read as follows:

**AN ACT RELATIVE TO INCURRING INDEBTEDNESS IN THE TOWN 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.** Chapter three hundred twenty-four of the acts of 1994 is hereby rescinded.

**Section 2.** Notwithstanding the provisions of any general or special law to the contrary, Section 6 of Chapter II of the Town of Ipswich general bylaws is hereby rescinded and the following provision is inserted in its place:

**Section 6. Bond Appropriations**

No appropriation to be raised by bonds of the Town of Ipswich, except for an appropriation of an amount of less than one tenth of one percent (0.1%) of the current total equalized valuation of the Town for any purpose, shall be adopted unless the article calling for such appropriation first shall have received a two-thirds majority vote by Town Meeting, in accordance with the provisions of Chapter 44 of the General Laws, as amended, after there has been full opportunity for debate on the merits of the said article, and second shall have received a majority vote on a printed ballot. If said article shall have received a two-thirds majority vote of Town Meeting, the Board of Selectmen shall forthwith call for a special election for the purpose of voting on such appropriation, said election to be called in accordance with the Massachusetts General Laws. Notwithstanding the previous sentence, the Board of Selectmen may, but are not required to, vote to include a ballot question required by this section on the Town's annual election ballot, which vote will only be effective if the corresponding Annual Town Meeting has approved the appropriation pursuant to this section. The statement of the purpose of the appropriation shall be substantially the same in the article as in the ballot question.

**Section 3.** Nothing in this special act shall preclude the right of the Town Meeting to modify Chapter 2, Section 6 of the Town Bylaws without seeking a special act of the General Court.

**Section 4.** This act shall take effect upon its passage.

On motion made by Ms. Elizabeth Kilcoyne, duly seconded it was

**UNANIMOUSLY VOTED TO:**

Indefinitely postpone this article.

On motion made and duly seconded, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Pamela Z. Carakatsane, CMC  
Town Clerk