

**Town of Ipswich
Finance Committee**



For the Special Town Meeting

Tuesday, October 21, 2014

Please bring this report to Town Meeting

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October 21, 2014

To the Citizens of Ipswich:

The Finance Committee is pleased to present this report for the Special Town Meeting of October 21, 2014. This Warrant contains Articles which amend the Municipal and School Budgets for the current fiscal year 2014, previously approved at the May, 2014 Annual Town Meeting. Articles which impact planning, zoning issues and other concerns important to the Town are included in the Warrant.

Articles One and Two: *Basic housekeeping articles which allow the town to accept and use (appropriate) funds received from the Commonwealth during the current fiscal year, 2015.*

Article Three: *Over the summer the Schools experienced substantial unexpected costs for outplacements and other extraordinary special education expenses. Based on advice of counsel, the schools had to settle a number of cases because those students could not be adequately served in the public schools. The total costs well exceeded the funds appropriated for this purpose. School personnel acknowledged that the reduced staffing in the schools after the failure of the budget override last spring may have contributed to the district's difficulty in being able to provide sufficient programs for these particular students. Some of these costs will be reimbursed next fiscal year with state Circuit Breaker funds. The Finance Committee supports this article.*

Article Four: *This simply corrects the wording of Article 16, accepted at the May 2014, so it can be implemented.*

Article Five: *Over the summer, a number of urgent infrastructure repairs in the school buildings and the town hall building were discovered and need to be repaired this fiscal year. The Finance Committee wants all town infrastructure to be safe and in working order and voted unanimously to support this investment.*

Article Six: *Earlier this month, Ipswich experienced yet another, "once in a lifetime storm" and while the damage was pervasive and the tragedy of lives lost very sad, we can be very proud of our Town's initial and continuing response. The money allocated in this article will cover the costs of clean-up after the storm as well as repairs and upgrades to critical infrastructure that failed during the response.*

Article Seven: *The majority (7 of 9) of the Finance Committee has voted not to move funds from Free Cash to the Capital Stabilization Fund because they believe Free Cash should be available for scrutiny through the regular budgeting process.*

Article Eight: *The rationale behind the FinCom's vote (3-6) against this article was to consider a more consistent and purposeful commitment to funding the unfunded OPEB (Other post-employment benefit) liability during the Spring Budget cycle. The most recent Actuarial Report submitted this year calculated the liability for period ended 7/1/2013 as \$36,142,256. This represents an increase of \$6,331,148 from the liability of \$29,811,108 calculated for the period ended 7/1/2011.*

There were a number of factors that caused the liability to increase, including: a more conservative mortality table (the assumption that people are living longer); some pro-forma assumptions about a portion of employees that might be become subject to excise tax provisions as defined under the Affordable Care Act; and finally an assumption that medical care costs will increase by 5% per year after FY 15. Based on these calculations the Town's pay as you go cost will be \$991,196 in FY 14, growing to \$1,175,546 in FY 19 and peaking at \$1,793,811 in FY 2044.

In order to fully amortize the liability over 30 years, the actuary estimates that the Town would have to fund \$2,772,933 annually in present dollar terms. There are alternatives to fully amortizing the liability that would result in allocation of a higher discount rate and therefore a lower calculated unfunded liability over time. This would require that the town commit to a well-defined policy that clearly outlines a funding program that moves toward funding a “substantial” portion of the required annual amortization amount. At this time the Fin Com and the Town continue to debate the importance of such a program relative to other pressing budgetary priorities. In the interim the Town must be mindful of managing medical insurance costs to assure that actual annual expenditures remain manageable. Further FinCom is hopeful that the State Legislature will take steps to modify legislated benefits to help slow the rate of growth as calculated by the actuary.

Article Nine: *This article corrects an oversight which occurred at the 2013 Annual Town Meeting when an enterprise fund was created for the Wastewater Department but not, as was intended, for the Water department.*

Article Ten: *The Finance Committee recommends this article by a unanimous vote. The Winthrop School is an aging facility and has a number of programmatic shortcomings relative to current educational needs. We will make significant capital investments in the coming years simply to maintain the status quo. Due to current historically very low interest rates, this is actually a good time to be borrowing for major capital projects. However, before we do so, it makes sense to take a bigger picture look at what the building’s needs will be going forward and whether there are more sensible solutions than simply plowing money into the existing building. This article proposes funding a feasibility study which will provide the information the Town needs to arrive at the best solution to our aging school infrastructure.*

Fortunately, we believe we will be eligible to receive financial assistance from the Massachusetts School Building Authority (MSBA) for almost one half of the planning, design, and construction costs of the project. The Finance Committee has been working with the Town Manager, School Superintendent and Town Treasurer to put together a financing plan for this investment which will minimize the impact on the tax payers. Assuming a \$945,000 initial feasibility project cost, of which 45% would be reimbursed by the state, the Town would issue Bond Anticipation Notes to cover the costs through FY2017. Interest on those notes would be paid out of the School Department operating budget. Starting in FY 2018, the principal payments for the project costs would need to be paid, but the goal would be to have these costs included within the larger school construction costs and supported through a debt exclusion at the ballot.

The fiscal impact of the proposed debt service, if the full construction project does not go forward, would be approximately \$180,000 per year for three years, after the state reimbursement of 45%. This amounts to approximately \$33.22 per household annually for a three year period. If the larger project (at an assumed cost of \$40 million) is approved by the MSBA by with a debt exclusion at the ballot box, the fiscal impact of the project will add about \$0.65 to the tax rate with an annual impact for the average household of approximately \$275.00.

Article Eleven: *The majority of the Finance Committee supports these revisions in order to stimulate economic growth and permit greater variety in commercial usage in the Limited Industrial and Planned Commercial Zoning Districts along Route One.*

Article Twelve: *The Finance Committee supports tastings and tours for visitors to commercial alcohol production facilities, such as stills and breweries. Such services are traditional for their businesses and keep them competitive. The Article also provides amendments which support*

environmental considerations, by allowing the charging of electric-powered vehicles and solar energy collection in parking areas, and specifying that Special Permits may be contingent on impacts on both the natural and built environments.

Article Thirteen: *The Finance Committee supports the rezoning of a Rural Residence property to Planned Commercial on Route One. The Committee looks to encourage business but has agreed on condition that it be advised of the terms of the contract zoning agreement.*

Article Fourteen: *The Finance Committee was not unified in its vote on this article with 5 voting in favor and 4 against. The minority vote recognizes the value of historic homes in Ipswich and treasure this unique connection to our forefathers. However, they do not believe that the Town has the right, or the obligation, to regulate the aesthetics, or use, of privately held property outside of public health and safety concerns. They support the creation of a non-binding advisory board, for the purpose of providing homeowners with the best possible information and assistance in the restoration of historic homes; and they believe that participation in such a process should be purely voluntary and with recommendations accepted at the sole discretion of the homeowner.*

Those in favor were aligned with the overall purpose that only the streetscape of historic properties (prior to 1900) would be affected, but not interior changes or uses allowable under current zoning rules and regulations. Finance Committee supports on condition that restrictions on landscaping are eliminated.

Article Fifteen: *The Article adds several properties to the list of possible acquisitions under the Open Space Bond, however the Article does not call for any purchases at this time.*

The Ipswich Finance Committee

Mitchell Feldman, Chairman

Janice Clements-Skelton, Member

Jamie Fay, Member

Richard Howard, Member

Ingrid Miles, Member

Kevin Murphy, Member

Michael Schaaf, Member

Marion Swan, Member

Robert White, Member

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 Performing Arts Center of the Ipswich High School/Ipswich Middle School, 134 High Street, in said Ipswich, on TUESDAY, THE TWENTY-FIRST OF OCTOBER, 2014, at 7:00 o'clock in the evening, then and there to act on the following articles, viz:

Article One – FY'2015 Town Budget Amendment

Presenter – William Craft

To see if the Town will vote to amend the Town's action taken under Article 8 of the May 13, 2014 Annual Town Meeting (FY'2015 Municipal Operating Budget) by appropriating \$24,993 to the Miscellaneous Expense budget (Management Transfer Account) and to meet this appropriation by transferring \$24,993 from additional State Cherry Sheet Funds, or to take any other action relative thereto.

**Requested By: Board of Selectmen
Selectmen Recommend: 4-0
Finance Committee Recommends: 9-0**

Brief Summary: The State budget has been finalized and the Town will receive additional State Cherry Sheet Revenue. This appropriation will be used to offset any future unanticipated retirements or other expenditures during FY'2015. This requires a majority vote.

MAIN MOTION: I move that the town vote to amend the action taken under Article 8 of the May 13, 2014 Annual Town Meeting (FY'2015 Municipal Operating Budget) as set forth in Article 1 of the warrant for this Town Meeting.

Article Two – FY'2015 School Budget Amendment

Presenter – Barry Hopping

To see if the Town will vote to amend the Town's action taken under Article 9 of the May 13, 2014 Annual Town Meeting (FY'2015 School Operating Budget) by appropriating \$89,204 from additional Local Aid from the Commonwealth of Massachusetts to the School Department Budget, or to take any other action relative thereto.

**Requested By: School Committee
Selectmen Recommend: 4-0
Finance Committee Recommends: 9-0**

Brief Summary: The State budget has been finalized and the town will receive additional Chapter 70 State Cherry Sheet Revenue. This appropriation will be used to offset any future unanticipated retirements or other expenditures during FY'2015. This requires a majority vote.

MAIN MOTION: I move that the town vote to amend the action taken under Article 9 of the May 13, 2014 Annual Town Meeting (FY'2015 School Operating Budget) as set forth in Article 2 of the warrant for this Town Meeting.

Article Three – FY'2015 Special Education Costs

Presenter – Barry Hopping

To see if the town will vote to transfer the sum of \$300,000 from Free Cash to address unexpected expenditures in FY'2015 due to special education student programming, or to take any other action relative thereto.

**Requested By: School Department
Selectmen Recommend: 4-0
Finance Committee Recommends: 9-0**

Brief Summary: Specifically these needs originate from unplanned outplacements, settlement agreements and external program cost increases. This requires a majority vote.

MAIN MOTION: I move that the Town vote to approve Article 3 as set forth in the Warrant for this Town Meeting.

Article Four – Capital Plan Amendment

Presenter – William Craft

To see if the town will vote to amend the Town’s action taken under Article 16 of the May 13, 2014 Annual Town Meeting (Annual Capital Plan) by voting that any funds remaining from the transfer of \$498,971 from the Capital Stabilization fund for capital projects be returned to the Capital Stabilization fund, and that any funds remaining from the transfer of \$15,000 from the Waterways Fund for floating docks be returned to the Waterways Fund or take any action relative thereto.

Requested By: Town Manager
Selectmen Recommend: 4-0
Finance Committee: 9-0

Brief Summary: The motion for Article 16 at the May 2014 Town Meeting omitted a clause to return project appropriation balances to the source funds. FC: No fiscal impact. This requires a 2/3 majority vote.

MAIN MOTION: I move that the town vote to amend the action taken under Article 16 of the May 13, 2014 Annual Town Meeting (Annual Capital Plan) as set forth in Article 4 of the warrant for this Town Meeting.

Article Five – Extraordinary Repairs

Presenter – William Craft

To see if the Town will vote to transfer the sum \$21,300 from Free Cash for extraordinary repairs to school and town facilities as follows:

- ~Winthrop School:**
Remove and Replace Urinals \$ 4,200
- ~Doyon School:**
Repair and Replace Front Gutters \$ 4,600
- ~Middle/High School:**
Repair and Replace Sinks in Women’s Locker Rooms \$ 3,000
- ~Town Hall:**
Reinforce Floor in Code Department \$ 9,500

Requested By: Board of Selectmen
Selectmen Recommend: 4-0
Finance Committee Recommends: 9-0

Brief Summary: The town and school implemented a shared Facilities Director agreement in early 2014. The Director has recently identified a number of urgent health, safety, code concerns that need to be addressed. There is insufficient funding in the school and town operating budgets to perform this work. This requires a majority vote.

MAIN MOTION: I move that the Town vote to approve Article 5 as set forth in the Warrant for this Town Meeting, and that the sum of \$21,300 be apportioned to the FY15 budget for the above purposes as follows:

Brief Summary: The town has developed an integrated five year capital plan. Priorities were funded at the May 2013 and 2014 town meetings. The plan is updated annually and projects are approved by Annual Town Meeting. This appropriation will set aside funds for continued funding of prioritized capital projects in May 2016. This requires a 2/3 majority vote.

MAIN MOTION: I move that the Town vote to approve Article 7 as set forth in the Warrant for this Town Meeting.

Article Eight – OPEB

Presenter – Judy Field

To see if the town will vote to transfer from Free Cash the sum of \$100,000 to the Other Post-Employment Benefits account as established under Section 20 of Chapter 32B of the Massachusetts General laws, or take any action relative thereto.

Requested By: Town Manager

Selectmen Recommend: 4-0

Finance Committee Recommends Against: 3-6

Brief Summary: The town adopted a policy to set aside a minimum two-year reserve for retiree insurance costs as part of addressing the town's obligations for Other Post-Retirement Benefits (retiree health insurance costs). The present reserve is \$1,985,099 or approximately a 2 ½ year reserve. This requires a majority vote

MAIN MOTION: I move that the Town vote to approve Article 8 as set forth in the Warrant for this Town Meeting.

Article Nine – Adoption of Chapter 44 Section 53 F ½ (Enterprise Fund for Water)

Presenter – Nishan Mootafian

To see if the town will vote to adopt M.G.L c 44, section 53 ½ providing for the establishment of an enterprise fund for water operations, or take any other action relative thereto.

Requested By: Town Manager

Selectmen Recommend: 4-0

Finance Committee Recommends: 8-0

Brief Summary: The 2007 Fiscal Management Review prepared for the town by the Massachusetts Department of Revenue recommended that enterprise funds be established for water and sewer. In 2013, Town Meeting adopted an enterprise fund for wastewater. At the time, it was believed, erroneously, that an enterprise fund for water had already been established. Enterprise fund accounting enables a community to identify the costs of providing a service and establish rates to cover those costs; allows payments for indirect costs to flow to the General Fund to reimburse the General Fund for time spent by employees on enterprise activities; and

any surplus is retained in a separate fund and accrues interest, and may be used to fund operations, capital, debt or to reduce rates. This requires a majority vote.

MAIN MOTION: I move that the Town vote to approve Article 9 as set forth in the Warrant for this Town Meeting.

Article Ten – Feasibility Study Funding for Winthrop School

Presenter – Nishan Mootafian

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for the purpose of paying the costs of a feasibility study for the Winthrop Elementary School located at 65 Central Street in Ipswich and identified as Map 42A parcel 250 and consisting of 48,922 square feet, including the payment of all costs incidental or related thereto, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any action relative thereto.

Requested By: School Building Committee

Selectmen Recommend: 4-0

Finance Committee Recommends: 9-0

Brief Summary: In the spring of 2013, and again in 2014, the town submitted a Statement of Interest (SOI) to the Massachusetts School Building Authority requesting state funds to address building conditions at Winthrop Elementary School. This SOI outlined conditions at the school which needed to be corrected: an aged facility and infrastructure (electrical, plumbing, heating, etc.) and inadequate classroom space for required educational programming were itemized in detail. In June 2014, the town was notified that the SOI was invited into a 270-day Eligibility Period. During this Eligibility Period, the town must meet deadlines for submitting additional documentation, obtain funding for a feasibility study and engage an Owners Project Manager (OPM) and an architect, in order to qualify for the next step – project funding for design and construction. It is anticipated that the town will be eligible for at least 45% - or more - reimbursement for the cost of the feasibility study and the design and construction cost. The feasibility study will review in detail the conditions of the Winthrop School, explore in detail the feasibility and cost of renovation or combined new/renovation, or new construction at the present location or another location, and present conceptual options and plans for the community to review and discuss, before moving into the design/construction phase. The school building committee is asking for funding for the feasibility study. The Committee will make a short presentation at town meeting to outline the existing conditions at Winthrop School, the feasibility process and the funding strategy. The Winthrop School Statement of Interest is available online at:

http://www.ipsk12.net/pages/Ipswich/Departments/School_Committee/Documents

This requires a 2/3 majority vote.

MAIN MOTION: I move that the Town appropriate the amount of nine hundred forty-five thousand (\$945,000) Dollars for the purpose of paying costs of a feasibility study for the Winthrop Elementary School, located at 65 Central Street in Ipswich and identified as Map

42A parcel 250 and consisting of 48,922 square feet, including the payment of all costs incidental or related thereto, and for which Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.

Article Eleven – LI and PC Zoning District Revisions

Presenter – Heidi Paek

To see if the Town will vote to amend “V.D. Table of Use Regulations” of the Ipswich Protective Zoning Bylaw as shown below:

(~~Strikethrough~~ = language to be deleted; ✕ = dash to be deleted; ***bold italics*** = language to be added.); SPB=allowed by Special Permit from the Planning Board; SBA=allowed by Special Permit from the ZBA

	TABLE OF USE REGULATIONS						
PRINCIPAL USE		DISTRICT (Non-Residential)					
Commercial		GB ¹⁶	CB ¹⁶	HB ⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Hotels and Motels		P	P	P	SPB	P	✕ <i>SPB</i>
Inn, including conversion of an existing dwelling into an inn		P	P	P	✕ <i>P</i>	P	✕ <i>SBA</i>
Bed & Breakfast establishment...		P	P	P	P	P	✕ <i>SBA</i>
Personal & consumer service establishment		P	P	P	<i>P²⁴</i>	SBA ²⁴	✕ <i>SBA</i>
Rest homes, convalescent home, or nursing homes...		—	—	—	✕ <i>SBA</i>	—	✕ <i>SBA</i>
Membership club		SBA	SBA	SBA	SBA	SBA	✕ <i>SBA</i>
Miscellaneous professionals and business offices and services...		P	P	P	P	P	✕ <i>P</i>
Motion picture establishment, indoor only		P	P	P	SBA	SBA	✕ <i>SBA</i>
Other amusements and recreation service, indoor only		P	P	P	SBA	SBA ²³	✕ <i>SBA</i>

Establishment for repair and/or service of new and/or used automobiles...		SPB		SPB	SPB ¹⁴	SPB	✕ SBA ¹⁴
Wholesale, Transportation and Industrial							
Laundry plant, dry cleaning plant or non-retail bakery		P	SBA	P	✕ SBA	P	✕ SBA
<i>Non-retail bakery</i>		<i>P</i>	<i>SBA</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

or to make any other changes relative thereto.

**Requested by: Planning Board
Selectmen Recommendation to be Made at Town Meeting
Finance Committee Recommends: 8-1**

Brief Summary: The Limited Industrial (LI) and Planned Commercial (PC) Zoning Districts, both of which are located along the Route One corridor, allow only a limited number of non-residential uses. This is in contrast to the Town’s other commercial or industrial districts, which provide for a much greater variety of non-residential uses. The more restrictive nature of the LI and PC Districts is due in part to their stated intent to “preserve the natural features and vistas of the Route One Corridor.”

When a property owner in the LI District who owns several commercial units parcels expressed concern that he was losing potential commercial tenants because of the limited number of allowed commercial uses, the Planning Board asked Planning staff to evaluate the current requirements for the LI and PC Districts. After doing so, staff identified several uses that are currently prohibited that might, in certain circumstances, be generally consistent with both the district’s intent and the existing surrounding uses.

The Planning Board proposes to allow these uses, which include personal and consumer service establishments and professional offices, by special permit, so that the appropriateness of a proposed use can be evaluated on a case by case basis. Initially, the Board further proposed that the special permit granting authority, before granting a special permit, be required to find that the property owner has made a good faith effort to establish, or locate a tenant who would operate, a use that involves the enclosed manufacturing of a product. Based on comments from the public, and its own further consideration, the Board decided, at its August 21st meeting, to remove that proposed requirement. At its meeting of September 11th, the Board made a few additional modifications to the revisions that were initially proposed. This requires a 2/3 vote.

MAIN MOTION: I move that the Town vote to approve Article 11 as set forth in the Warrant for this Town Meeting.

Article Twelve – Miscellaneous Zoning Revisions

Presenter – Heidi Paek

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

(~~Strikethrough~~=language to be deleted; ***bold italics***= language to be added)

1. Amend the Table of Use Regulations in Section V. as shown below:

TABLE OF USE						
REGULATIONS						
ACCESSORY USE	DISTRICT (Non-Residential)					
	GB	CB	HB	PC	I	LI
<i>Tasting associated with commercial breweries, wineries, distilleries, and other alcohol production facilities.</i>	<i>P³⁸</i>	<i>P³⁸</i>	<i>P³⁸</i>	<i>P³⁸</i>	<i>P³⁸</i>	<i>P³⁸</i>

ACCESSORY USE	DISTRICT									
	RRA ¹⁶	RRB ¹ ₆	RRC ¹ ₆	IR ¹ ₆	GB ¹ ₆	CB ¹ ₆	HB ¹ ₆	PC ¹ ₆	I ¹⁶ ₆	LI ¹ ₆
Ground-mounted solar photovoltaic installations, <i>including electric vehicle charging stations</i>	P ³⁶	P ³⁶	P ³⁶	P ³⁶	P ³⁶	P ³⁶	P ³⁶	P ³⁶	P ³ ₆	P ³⁶

2. Amend the Footnotes to Use Regulations in Section V by adding a footnote “38”, to read as follows:

“38. Provided that: (1) the operator of the tour or tasting can demonstrate, to the satisfaction of the building inspector, that safeguards and procedures are in place to protect the public from hazards associated with the facility’s operations; (2) no part of the tasting is conducted outdoors; (3) no more than twenty-five (25) persons are allowed per tour, or served per tasting; and (4) no more than ten tours or tastings are held per week. Operators seeking to conduct tours or tastings that exceed the above thresholds may do so only by special permit from the ZBA.”

3. Amend Section “VII.D.” as follows:

“No parking space shall be used for any activity which interferes with its availability to meet the minimal applicable parking requirement. Accessory uses are permitted and may include, but not be limited to, necessary traffic directional signs not exceeding two (2) square feet each in area, ***electric vehicle charging stations, solar energy collection apparatus***, lighting fixtures for illuminating the parking area, and landscape within buffer areas.”

4. Amend “XI.J.” by revising criterion “(6)” as shown below:

“In making this determination, the SPGA shall apply the following criteria:

1. Social, economic or community needs which are served by proposal;
2. Potential fiscal impact, including impact on town services, tax base, and employment;
3. Traffic flow and safety, including parking, loading;
4. Adequacy of utilities and other public services;
5. Compatibility with neighborhood character; and
6. Impacts on the natural *and built* environment.”
5. Amend “IX.I. 4.” by adding a new criterion “(5)”, said criterion to read as follows:

“(5) For commercial units that were initially used for residential purposes that the owner seeks to re-establish as dwelling units, the Board may either partially or fully exempt the dwelling unit from the requirements of paragraph 3.1.(2) of this Section I.”;

or to take any other action relative thereto.

**Requested by: Planning Board
Selectmen Recommendation to Be Made at Town Meeting
Finance Committee Recommends: 9-0**

Brief Summary: As the building inspector’s office and the planning office work with the zoning bylaw, they occasionally discover ambiguities, omissions, or inadequacies in its language. The issues addressed by this article are as follows:

- *Commercial producers of beer, wine, and other alcoholic products often seek to provide tours of their facilities and/or tastings of their products. The bylaw does not list tours or tastings as permitted accessory uses, leading to uncertainty by the building inspector’s office as to whether the uses are allowed as incidental to the manufacturing use.*
- *The current parking requirements are not responsive to new demands created by the advent of electric-powered vehicles and more frequent use of solar energy collection apparatus.*
- *Criteria for determining the granting of a special permit address impacts to the natural environment but do not consider impacts to the built environment.*
- *Affordability requirements for multi-family dwellings as currently written lack the flexibility to deal with unusual circumstances, such as the conversion of a commercial unit that was previously residential unit back to a residential dwelling.*

This article addresses these deficiencies as follows:

1. *Amends the Table of Uses in Section V. of the zoning bylaw by adding an accessory use, “Tours or tastings associated with commercial breweries, wineries, distilleries, and other alcoholic production facilities,” and allowing the use by right, provided that certain safety requirements and thresholds relative to frequency and size (i.e. no more than 25*

persons in a tour or tasting; no more than ten tours per week; and no outdoor events) described in a footnote, are met. Operators seeking to conduct tours or tastings which exceed the defined thresholds may only do so by special permit from the Zoning Board of Appeals;

2. Amends Section VII.D. by specifically allowing charging stations for electric-powered vehicles and solar energy collection apparatus to be located within parking facilities;
3. Amends Section XI.J, special permit criterion (6), by stipulating that when determining whether or not to grant a special permit, the special permit granting authority should consider “Impacts on the natural **and built** environment.”; and
4. Amends Section IX.I. 4. by adding a new criterion “(5)” which would empower the Planning Board to partially or fully exempt the creation of a multi-family dwelling unit from the bylaw’s affordability requirements, if the dwelling is being established by converting a commercial unit that was initially used for residential purposes back into a residential use.

This requires a 2/3 vote.

MAIN MOTION: I move that the Town vote to approve Article 12 as set forth in the Warrant for this Town Meeting.

Article Thirteen – Rezoning of 71 Turnpike Road

Presenter – Heidi Paek

To see if the Town will vote to amend the Official Zoning Map of the Town of Ipswich by rezoning a portion of the property at 71 Turnpike Road, further known as Parcel 25 on Assessor’s Map 27C, from Rural Residence A (RRA) to Planned Commercial (PC), as shown on the attached map.

A copy of the map is on file in the office of the Town Clerk and the Department of Planning & Development;

or to take any other action relative thereto.

**Requested by: Planning Board
Selectmen Recommendation to Be Made at Town Meeting
Finance Committee Recommends: 9-0**

Brief Summary: 71 Turnpike Road (Route One), also known as Parcel 25 on Assessor’s Map 27C, is a 2.49 acre parcel located on the east side of the road, about 300 hundred feet north of its intersection with Linebrook Road. At present, about 40% of the property is zoned as Planned Commercial, and the remainder is zoned as Rural Residence A.

The owner of the property, who also owns the adjacent commercially-developed property at 73-75 Turnpike Road, approached the Planning Board earlier this year and requested its support for rezoning the residentially zoned portion of his property to PC. The Board informed the owner that they were open to the possibility of initiating a rezoning, but first required more information

about his plans for the property if rezoned. After reviewing the additional information provided by the owner, which included the proposed access, general building layout, and likely uses, the Board agreed to initiate a rezoning of the residential portion of the property.

The Board's continued support of the rezoning is contingent upon the execution of an agreement between the owner and the Board of Selectmen which establishes certain development conditions, and to which the owner has informally agreed. These conditions include a requirement that the access to the rezoned property be over the existing access to 73 Turnpike Road, that the potential uses be limited to 21 instead of the 52 potentially allowed by the bylaw, that a 40 foot vegetated setback, twice the amount required by the bylaw, be provided along the southern boundary of 71 Turnpike Road, and that the square footage of the development not exceed 20,000 square feet. This type of agreement, also known as contract zoning, has been undertaken previously in Ipswich, when a parcel of land on Locust Road was rezoned from RRA to Industrial in 2003.

This requires a 2/3 vote.

Fiscal Impact: No immediate impact, but long-term the rezoning could bring in additional tax revenues from the commercial development of the property.

MAIN MOTION: I move that the Town vote to approve Article 13 as set forth in the Warrant for this Town Meeting.

Article Fourteen – Architectural Preservation District (APD)

Presenter – John Fiske

To see if the Town will vote to amend the General Bylaws of the Town of Ipswich by adding a new chapter XXII., to read as follows:

“CHAPTER XXII. ARCHITECTURAL PRESERVATION DISTRICT

The Town of Ipswich hereby establishes an Architectural Preservation District (“APD”), to be administered by an Architectural Preservation District Commission (“APDC”).

Section 1: Purpose

This bylaw is enacted under the Home Rule Amendment of the Massachusetts Constitution for the purposes of:

- (a) preserving and protecting groups of historically and/or architecturally significant buildings and the characteristics of their neighborhoods that are important to the town’s architectural, cultural, economic, political and/or social history;
- (b) fostering wider public knowledge and appreciation of such neighborhoods and buildings;
- (c) limiting the detrimental effect of alterations, additions, demolitions and new construction on the character of such buildings and their neighborhood settings;

- (d) reviewing proposed alterations, which include demolition, substantial additions, and new construction, of or to any buildings located within the APD, for appropriateness and compatibility with the existing buildings, setting and neighborhood character; and
- (e) facilitating the protection of the APD through a combination of binding and voluntary non-binding regulatory review.

To achieve these purposes, the Town of Ipswich may designate APDs to be administered as set forth in this bylaw.

Section 2: Definitions

For the purpose of this bylaw, the terms and words listed below shall have the following meaning:

ADDITION, SUBSTANTIAL: Any addition to a principal or accessory contributing building that increases the existing gross floor area by 1,000 square feet or by thirty percent (30%) or more, whichever is less. Multiple additions that occur within a consecutive three-year period which collectively increase the building's gross floor area as described above shall also constitute a Substantial Addition.

ALTERATION: A change to a building or part thereof, such as removal, construction, reconstruction, restoration, replication, rehabilitation, addition, or demolition; and/or a change to a site that includes constructing, placing, erecting, installing, enlarging or moving a building and other similar activities.

ALTERATION, SUBSTANTIAL EXTERIOR: An Alteration to the exterior of a contributing building which bears a cost that equals or exceeds fifty percent (50%) of the assessed value of the structure before the Alteration is undertaken, or which significantly changes the shape, height and proportions, or scale of the building, and/or its relationship to surrounding structures along the streetscape.

ARCHITECTURAL PRESERVATION DISTRICT ("APD"): An area of historic and/or architectural significance determined by the Town's residents to be worthy of preservation.

BINDING REVIEW: Pursuant to Section 8 of this bylaw, a mandatory process which applies to demolition, substantial additions, and new construction of buildings on contributing properties in an APD.

BUILDING: A combination of materials having a roof, the purpose of which is the shelter of persons, animals, property, or processes.

CERTIFICATE TO ALTER: A document issued by the APDC allowing Alterations which require review pursuant to Section 8 of this bylaw.

CONTRIBUTING PROPERTY: Any building within an APD that was constructed prior to 1900 and which contributes to its historical character, or any house lot within the APD which

was either vacant prior to the adoption of this bylaw or subsequently becomes vacant due to the demolition of its principal building.

DEMOLITION: The act of pulling down, destroying, removing or razing structures or significant parts of structures, or commencing the work of total or substantial destruction with the intent of completing the same.

DESIGN GUIDELINES: A public document which provides further detail and illustration of the design standards established in Section 9 of this bylaw. Such guidelines, by facilitating the APDC's determination as to whether proposed alterations are appropriate and compatible with the existing buildings, setting and neighborhood character of the APD, will ensure fair, reasonable and objective preservation practices by the APDC.

NON-BINDING VOLUNTARY REVIEW: A review offered by the APDC for Alterations as described in Section 7 of this bylaw.

PERSON AGGRIEVED: The owner of the subject property or an owner of real property located within the APD and within three hundred feet of the subject property.

SUBSTITUTE SIDING: A siding material that has been placed over or has replaced the original wood siding of a building. This includes, but is not necessarily limited to, aluminum, vinyl, or asphalt siding.

Section 3: Designation of Architectural Preservation District (APD)

The APD shall, by town meeting vote, encompass the area shown on the map entitled "Proposed Architectural Preservation District, dated September 3, 2014," and appended to this bylaw. Amendments to the district boundaries may be made only by vote of Town Meeting.

Section 4: Architectural Preservation District Commission (APDC)

The Board of Selectmen shall appoint a five-member APDC to oversee the APD pursuant to this bylaw. Initially, two members shall be appointed for one year, two for two years, and one for three years; each successive appointment shall be made for three years. The Board of Selectmen may also appoint up to two alternate members, initially for terms of one, two and three years, and for three-year terms thereafter. If members are absent, unable to act, or recused from voting due to a conflict of interest, the APDC chair may designate one or both of the alternate members to serve in their place.

To the extent achievable, the APDC shall be comprised of the following persons: a member of the Ipswich Historical Commission; an architectural designer; a craftsman or building contractor familiar with historic restoration; and two residents of the APD. Members and alternates of the APDC shall by reason of experience and/or education have demonstrable knowledge, interest, and ability to effectively carry out the APDC's responsibilities.

Section 5: APDC Powers and Duties

The APDC shall exercise its powers in reviewing the construction, demolition and/or alteration of buildings within the APD as set forth in this bylaw, and in accordance with the standards described in Section 9. Within 180 days of its establishment, the APDC shall adopt design guidelines to assist the APDC determine whether the proposal satisfies the standards described in Section 9, as well as to facilitate owner understanding of, and compliance with, those standards. The APDC may also promulgate rules and regulations consistent with the provisions of this bylaw, or set forth such forms and procedures as it deems appropriate for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, hearing procedures and other matters.

In adopting design guidelines and rules and regulations, including any subsequent amendments, the APDC shall first hold a duly posted public hearing advertised at least fourteen (14) days in advance within a newspaper of local circulation.

Section 6: Exemptions

The following are exempt from the requirements of this bylaw:

- ~Routine maintenance of buildings.
- ~Repairs or improvements which do not require a building or demolition permit from the Building Inspector.
- ~Temporary buildings (subject to time and size limits imposed by the APDC).
- ~Interior building alterations.
- ~Exterior building colors.
- ~Installation or replacement of storm windows and doors, screen windows and doors.
- ~Removal or replacement of gutters, downspouts, window and door shutters.
- ~Removal of substitute siding from a building.
- ~Structures not defined as buildings or parts of buildings.
- ~Reconstruction of a building damaged or destroyed by fire, storm or other disaster, provided that the reconstruction is completed in a manner that is consistent with other local bylaws. For a Contributing Property the owner is encouraged to reconstruct the building, to the greatest extent possible, to conform to its original size and appearance; for a non-Contributing Property the owner is encouraged to reconstruct the building to conform to the design standards in Section 9 and the associated design guidelines.

Section 7: Alterations for which Advisory Review is Recommended

Property owners undertaking alterations to a Contributing Property are strongly encouraged, but not required, to request an advisory review from the APDC for the following improvements:

- a. Accessibility improvements, including ramps, rails, walkways and mechanical equipment associated with exterior architectural barriers subject to MGL 40A and other applicable state or federal laws;

- b. Replacement of windows, doors, architectural trim, roofing and siding in a manner that substantially differs from existing materials, design or dimensions;
- c. Construction of a fully-enclosed addition to a structure that increases its gross floor area by less than 1,000 square feet or by less than 30%, whichever is less, or by construction of a structure that does not have a roof or is not fully enclosed by load-bearing walls, including the replacement and extension of a porch or deck;
- d. Installation of solar collectors or wind energy collection systems; and
- e. Any other alteration not classified as routine maintenance that does not increase building volume.

Advisory review does not require a public hearing, is non-binding, and can be requested electronically. In providing advisory review for a proposed Alteration, the APDC shall make a finding as to whether or not the proposed Alteration is compatible with the standards in Section 9 and the associated design guidelines. The APDC shall provide its finding in writing and within 20 days of receiving a request for advisory review. The advisory may include recommendations on how the proposed Alteration could be made more consistent with the standards and the design guidelines.

Section 8: Alterations Which Require APDC Review

The following Alterations require the submittal of an application for review by the APDC:

- a. Demolition of a building or part of a building on a Contributing Property.
- b. Substantial Exterior Alteration to a Contributing Property.
- C, New construction of buildings on properties within the APD, including substantial additions fully enclosed by walls and a roof, but not including accessory buildings that are less than 250 square feet in area.

Applications should include a completed application form and photographs showing existing buildings and site conditions. For new construction and substantial exterior alteration, applicants should also provide building elevations showing the proposed configuration and building materials; a plan showing the approximate footprint and relationships of buildings to other structures, exterior circulation, and points of entry; and any other plans which may help to demonstrate the proposed building design. Applications can be submitted electronically, but applicants shall also provide one hard copy of the application to the Planning Office. If appropriate, the APDC may waive any or all of the requirements for design submittal and review.

Within thirty (30) days of the application submittal, a copy of which shall be filed with the Town Clerk, the APDC shall hold a public hearing on the application, said hearing to be noticed by an ad published at least once in a newspaper with local circulation fourteen (14) days or more

before the hearing. Following the hearing, the APDC shall determine whether or not the proposed Alteration is consistent with the standards set forth in Section 9 and the associated design guidelines.

If the APDC determines by majority vote that the Alteration adheres to the standards and the design guidelines, it shall issue a Certificate to Alter, which may be subject to reasonable conditions that the APDC deems necessary and appropriate. If the APDC does not achieve a majority vote that the Alteration is compatible with the standards and the design guidelines, it shall make a negative determination.

The APDC's written determination shall be submitted to the property owner within twenty (20) days of the close of the public hearing, and no later than sixty (60) days after the submittal of an application, unless granted a time extension by the owner. In making its determination, the APDC shall provide a rationale for its action, including a description of how the alteration does or does not meet the standards set forth in Section 9 and the design guidelines. If the APDC makes a negative determination, it shall include recommendations on how the proposed Alterations may be modified to satisfy the APDC. Once the applicant modifies the Alterations in a manner that the APDC finds acceptable, the APDC shall issue a Certificate to Alter.

The determinations of the APDC relative to Alterations described in this Section 8, whether positive or negative, shall be binding on the applicant.

Section 9: Design Standards

When reviewing an application, the APDC shall consider the following standards, which are intended to guide the property owner in the site development and building design, as well as the APDC in its review of proposed actions as described in Section 8 above:

- a. Height and Proportions – The height, proportions, and relationship of height to width between windows, doors, signs and other architectural elements should be compatible with the architectural style and character of the building or structure.
- b. Relation of Structures and Spaces – The relation of a structure to the open space between it and adjoining structures should be compatible with such relationships in the district.
- c. Shape – The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of the building.
- d. Scale – The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that of the district.
- e. Directional Expression – Building facades and other architectural and landscape design elements should be compatible with those of others in the district with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.

f. Garages and Accessory Buildings – Garages and accessory buildings should be sensitively integrated into the overall development, and should not be the predominant design feature when viewed from the street.

Section 10: Procedures for Issuance and Filing of APDC Determinations

Each Certificate to Alter or negative determination issued by the APDC shall be dated and signed by its chair or such other person designated by the APDC to sign certificates on its behalf. The APDC shall send a written copy of its actions to the property owner and shall file other copies with the office of the Town Clerk and the Building Inspector. The date of issuance of a certificate or negative determination shall be the date of its filing of other said copy with the office of the Town Clerk.

If the APDC should fail to submit a written determination within twenty (20) days of closing its public hearing, or within sixty (60) days of the submittal of a Certificate, or within such further time as the applicant may allow in writing, a Certificate to Alter shall be waived in favor of the property owner.

Section 11: Enforcement

The APDC is authorized to institute any actions it deems necessary and appropriate to obtain compliance with the requirements of this bylaw. In the event of a violation, the APDC shall not authorize the issuance of a building permit for construction or demolition until the violation has been corrected, or otherwise resolved to the satisfaction of the APDC. The APDC may designate the Building Inspector to act on its behalf and to enforce this bylaw under its direction.

Section 12: Coordination With Other Town Boards and Bylaws

- a. Except as stated in “(b)” below, the APDC’s authority as established in this bylaw shall not supersede or interfere with the regulatory authority of other local or state boards or APDCs.
- b. By exercise of this bylaw, the APDC assumes the authority of the Ipswich Historical Commission pursuant to Chapter XVI of these General Bylaws, relative to the proposed demolition of buildings built prior to 1900 and located within the APD.
- c. The APDC shall make every effort to coordinate its review with that of other Town Boards.

Section 13: Appeal Procedure

Any Person Aggrieved by a determination of the APDC may appeal to the Superior Court within twenty (20) days of the filing of the disapproval with the Town Clerk.

Section 14: Validity and Separability

The provisions of this bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this bylaw shall continue to be in full force and effect.

Section 15: Rules and Regulations

The APDC shall promulgate and publish such rules and regulations as are deemed appropriate and consistent with the provisions of this bylaw.

A map of the proposed APD is located at: <http://www.historicipswich.org/architectural-preservation-district/>

**Requested by: Historical Commission
Selectmen Recommendation to Be Made at Town Meeting
Finance Committee Recommends: 5-4**

Brief Summary: Ipswich has more first period houses (59) than any other community in the nation, together with numerous 18th- and 19th- century houses of equal merit. Architecturally speaking, Ipswich is a town of major historical significance. Without its historic houses, though, the town center would be pleasant but undistinguished. Ipswich is defined by its architectural heritage, but none of this historic architecture is protected for the future. To set this matter right, the Ipswich Historical Commission is proposing that the town meeting adopt a general bylaw creating and mapping an Architectural Preservation District (APD) that would be overseen by an Architectural Preservation District Commission (APDC).

The intent of the proposed APD, which is similar in size and configuration to the geographic area of four of the Town's national historic districts (see attached map), is to preserve the core of the town's architectural heritage while treading with a light foot. As proposed, the five-member APDC, which will be appointed by the Board of Selectmen and include an architectural designer, craftsman, and two APD residents, will be primarily consultative and advisory, assisting the owners of homes within the APD with conserving their unique neighborhoods within the district.

The proposed bylaw exempts many home improvements, such as painting, removal/replacement of window and door shutters, and all interior alterations, from any consideration by the APDC. Owners undertaking more substantive improvements, such as building small additions or replacing windows, doors, trim, and siding in a manner substantially different from the existing materials, design or dimensions, are encouraged to use the APDC an advisory resource that they may consult. The aim of the consultation will be to reach a consensus that meets the requirements of the owner while preserving the integrity of the district. Such consultation will be voluntary, non-binding, expeditious, and free.

The proposed bylaw will only require property owners within the district to appear before the Commission and obtain their approval in the following three instances:

- ~Demolition of a building constructed between 1634 and 1900.*
- ~Construction of a new building or substantial addition to an existing building.*

~Substantial exterior alteration to a building constructed prior to 1900 which significantly changes the shape, height and proportions, or scale of the building, and/or its relationship to surrounding structures.

In each of the instances cited above, the Commission's determinations are binding.

When reviewing new construction or substantial exterior alterations, the Commission considers the compatibility of the proposed building with neighboring buildings, as well as historic architectural principles and standards related to building shape, scale, and relationship of the building to the street and other structures.

Creating an APD provides a level of protection for the town's irreplaceable historic resources that currently does not exist. It does so in a manner that is significantly less onerous and restrictive for property owners than local historic districts, which the town meeting has twice rejected, most recently 20 years ago. By making APDC review optional for the vast majority of home improvements, the proposed bylaw responds to the community's concerns about over regulation, while providing residents in the district some assurance that other owners in their district will not undertake irreversible actions that would devalue their properties.

This requires a majority vote.

MAIN MOTION: I move that the Town vote to approve Article 14 as set forth in the Warrant for this Town Meeting.

Article Fifteen – Open Space Bond List

Presenter – Wayne Castonguay

To see if the Town will vote to add the following parcels 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 September 25, 2014:

- 1) Land now or formerly of Miles River Sand and Gravel, Inc., 56, 64 and 68 Paradise Road, also known as Assessor's Map 21, Parcels 28, 29A and 29, consisting of approximately 201.5 acres;
 - 2) Land now or formerly of the Belosselsky Ipswich Realty Trust, 31 Fox Creek Road, also known as Assessor's Map 44, Parcel 9, consisting of approximately 577.1 acres;
 - 3) Land commonly known as Perkins or Treadwell Island, now or formerly of the Perkins Island Nominee Realty Trust, also known as Assessor's Map 32, Parcel 2, consisting of approximately 135 acres.;
- or to take any other action relative thereto.

**Requested by: Open Space Committee
Selectmen Recommendation to Be Made at Town Meeting**

Finance Committee Recommends: 9-0

Brief Summary: This article would add three parcels to the list of properties that could be acquired through the Ipswich Open Space Program. The Open Space Program, funded through a \$10 million bond issue, was authorized by Article 18 of the Warrant for the April 3, 2000 Annual Town Meeting. All parcels to be potentially purchased under the Program must be added to the Bond List by vote of Town Meeting.

The following properties would be added to the Open Space parcels list:

1) Land now or formerly of Miles River Sand and Gravel, Inc., 56, 64 and 68 Paradise Road, also known as Assessor's Map 21, Parcels 28, 29A and 29, consisting of approximately 201.5 acres; and

2) Land now or formerly of the Belosselsky Ipswich Realty Trust, 31 Fox Creek Road, also known as Assessor's Map 44, Parcel 9, consisting of approximately 577.1 acres.

The Paradise Road parcels were recently sold and their future use is uncertain. The Fox Creek Road parcel is either on or about to be placed on the market.

This requires a majority vote.

MAIN MOTION: I move that the Town vote to approve Article 15 as set forth in the Warrant for this Town Meeting.

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 Fifteenth Day of September in the year of our Lord, Two Thousand and Fourteen.

TOWN OF IPSWICH BOARD OF SELECTMEN

William M. Craft – Chair

Charles D. Surpitski – Vice-Chair

Shirley A. Berry – Member

Nishan D. Mootafian – Member

Judy A. Field – Member

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