VI. Protective Zoning Bylaw

Town of Ipswich
Massachusetts

May 7, 1977

(As Amended through October, 2011)

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I. PURPOSE

This bylaw is enacted for the following purposes: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space, and other public requirements; to protect, preserve and maintain the existing surface and groundwater supplies and their drainage or recharge areas within the known aquifers of the Town; to encourage efficient use and conservation of energy; to conserve the value of land and buildings including the conservation of natural resources and the prevention of blight and the pollution of the environment; to encourage the most appropriate use of land throughout the town, as guided by the Ipswich Community Development Plan and the Town Character Statement; and to preserve and increase its amenities. It is made with reasonable consideration to the outstanding characteristics and unique position that Ipswich holds in the historical background of the Country and the character of each district and to its peculiar suitability for particular uses; in accordance with the General Laws of the Commonwealth of Massachusetts, Chapter 40A, and any amendments thereto. (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05) (Amended by 10/15/07 Special Town Meeting; approved by AG 1/23/08)

II. APPLICABILITY

A. General

This bylaw and any amendment thereto shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on this bylaw or amendment, but shall apply to any change or substantial extension of use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

B. Nonconforming Uses and Structures

This zoning bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such bylaw required under G.L. c. 40A, s. 5 at which this zoning bylaw, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

1. Nonconforming Uses. The Zoning Board of Appeals may grant a special permit to change or substantially extend a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. The following types of changes to nonconforming uses may be considered by the Zoning Board of Appeals:

a. Substantial extension of the use;

b. Change from one nonconforming use to another, less detrimental nonconforming use.

Pre-existing nonconforming uses may be extended or altered provided that there is a finding by the Zoning Board of Appeals that the extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming use.

2. Nonconforming Structures Other than Single and Two Family Structures. The Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

a. Reconstructed, extended or structurally changed;

b. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

The reconstruction, extension or structural change of such nonconforming structure so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Zoning Board of Appeals.

3. Nonconforming Single and Two Family Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

a. Alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.

b. Alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.

c. Alteration to a structure which encroaches upon one or more required yard or setback areas, where alteration will comply with all current setback, yard, building coverage and building height requirements (the provisions of this clause shall apply regardless of whether the lot complies with current area and frontage requirements).

d. Alteration to the side or face of a structure which encroaches upon a required yard or setback area, where the alteration will not encroach upon such area to a distance greater than the existing structure (the provisions of this clause shall apply regardless of whether the lot complies with current area and frontage requirements).

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

In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Zoning Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change upon its determination that the proposed modification will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

4. Abandonment or Non-use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this bylaw.

5. Reconstruction. Any nonconforming structure may be reconstructed after a fire, explosion or other catastrophe, provided that such reconstruction is completed within twenty-four months after such catastrophe, and provided that structures other than single or two-family dwellings reconstructed shall be only as great in area as the original nonconforming structure unless a larger area is authorized by special permit from the Zoning Board of Appeals. Such time for reconstruction may be extended by the Zoning Board of Appeals for good cause, provided that the extension request is made no later than two years after the catastrophe, and provided that the extension is for no longer than two years. Reconstruction of single and two family structures shall be allowed pursuant to Section II.3. and/or Footnote 18 to the Table of Dimensional and Density Regulations. The time period for reconstruction of structures to which the demolition delay has been applied by the Ipswich Historical Commission shall be extended by a time period equivalent to the length of the delay, up to a maximum of twelve (12) months, without requiring approval from the Zoning Board of Appeals. (Amended by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09; Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

6. Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use. (Subsection B replaced through 6. in its entirety by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01.)

7. Compliance with Other Special Permit Requirements. The granting of a special permit for expanding or altering nonconforming uses or nonconforming structures other than single and two family structures as authorized herein does not supersede any other special permit requirements for such use or structure as indicated in the Table of Use Regulations or elsewhere in this bylaw. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

C. Municipal Construction Projects

Municipal construction projects shall comply with all the requirements of this Protective Zoning Bylaw, as amended, before the Town shall grant a building permit. No variation from the provisions of this bylaw shall be allowed unless and until the municipality has obtained any and all variances and/or special permits as may be required in accordance with the provisions set forth elsewhere herein. All municipal construction projects, including additions to existing public buildings, that create 2,500 square feet or more of new building area, shall be certifiable under the U.S. Green Building Council's most current applicable LEED® standards for design and construction, unless the Board of Selectmen determines that meeting the LEED® standard will be economically infeasible based on a cost analysis and the projected cost savings, including operations. For the purposes of this subsection, a municipal construction project means any development project, including demolition, building, construction, alteration, installation or addition, undertaken by the municipality directly by or through any agency, authority, department, division, or subset thereof. (Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

III. DEFINITIONS

For the purpose of this bylaw, certain terms and words are herein defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular; the word "shall" is mandatory and the word "lot" includes the word "plot".

ABANDONMENT: The cessation of use of a non-conforming use or structure for a period of two (2) years or more, or with the apparent intent to initiate a conforming use(s) and/or structure(s). Intent shall include, but not be limited to, applications for permits and advertising to rent or lease for conforming purposes. (Amended by 10/18/93 Special Town Meeting; approved by Attorney General 2/3/94)

ACCESS: The actual or potential provision of vehicular entry onto a lot by means of its frontage on a street to a degree consistent with the use or potential use of the lot. Nothing in this definition shall be construed to require actual access over the street or through the frontage if, in the opinion of the Planning Board, alternate means of access will better fulfill the purposes of this bylaw. (Added by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

ACCESSORY APARTMENT: A separate dwelling unit within a single-family dwelling that is a subordinate part of the single-family dwelling and complies with the requirements of IX.J. of this zoning bylaw. (Added by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

ACCESSORY STRUCTURE: A structure which houses or is used for something other than an allowed principal use. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

ACCESSORY USE: As applied to buildings and structures, a use which is customarily incidental to and subordinate to a legally existing principal use on the same lot. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

ADULT ENTERTAINMENT ESTABLISHMENT: Any establishment which is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age. This definition does not include establishments which exclude minors solely because of the sale of alcoholic beverages on the premises, but it does include Adult Bookstores, Adult Motion Picture Theatres, Adult Paraphernalia Stores, Adult Video Stores, and Establishments Which Display Live Nudity For Its Patrons, as they are defined in Section 9A of MGL Ch. 40A. (Added by 10/21/96 Special Town Meeting; approved by Attorney General 12/9/96)

AGRICULTURE: Farming in all its branches and the cultivation and tillage of the soil; dairying; the production, cultivation, growing and harvesting of any agricultural, floriculture or horticultural commodities; the raising of livestock including horses; the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes; bees; fur-bearing animals; and any practices, including any forestry or lumbering operations performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

APARTMENT: A dwelling unit in a multi-family dwelling.

AQUACULTURE: The science, art, and business of cultivating marine or freshwater food fish or shellfish such as oysters, clams, salmon, and trout, under controlled conditions. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

ASSISTED LIVING FACILITY: Any entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria: (1) provides room and board; and (2) provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider and who are not chronically ill; and (3) collects payment or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same, all as defined by Massachusetts General Laws Chapter 19D, Section 1. Such entities include, but are not necessarily limited to, Congregate Elderly Housing, Independent Elderly Housing, and Life Care Facilities. (Added by 10/21/96 Special Town Meeting; approved by Attorney General 12/9/96)

BED AND BREAKFAST ESTABLISHMENT: A private residence or building with no more than twelve guestrooms which includes a breakfast in the room rate, and which serves breakfast to overnight guests only. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

BED AND BREAKFAST HOME: A private, owner-occupied building with no more than three guestrooms which includes a breakfast in the room rate, and which serves breakfast to overnight guests only. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

BODY ART: The practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

BODY ART ESTABLISHMENT: A location, place, or business that has been granted a permit by the Board of Health, where the practices of body art are performed, whether or not for profit. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

BUILDING: A combination of any materials, whether portable or fixed, having a roof, the purpose of which is the shelter of persons, animals, property, or processes. For the purpose of this definition, "roof" shall include an awning or any similar covering whether or not permanent in nature. The word "building" shall be construed where the context allows as though followed by the words "or parts thereof".

BUILDING AREA: 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, excluding cornices, eaves, gutters, chimneys, open steps and bay/bow windows (not walk-out bays or floor cantilevers). (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

BUILDING HEIGHT: The vertical distance measured from the average existing grade to the highest point of a structure or the highest point of a building roof, excluding broadcasting and television antennae, bulkheads, cooling towers, ventilators, solar energy collection apparatus and other appurtenances usually carried above the roof if not for human occupancy. If a building is being constructed on a lot upon which a building previously stood, the average existing grade shall be measured at the location of the previous building. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

BUILDING-MOUNTED WIRELESS COMMUNICATIONS FACILITY: Any out-of-doors Wireless Communications Facility mounted on, erected on, or supported in whole or in part by an existing building or structure (including without limitation, buildings, water towers, smoke stacks) occupied and/or used primarily for other purposes. (Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

CAMPGROUND: Premises used for travel trailers, campers, tenting, or for temporary overnight facilities of any kind where a fee is charged. Lengths of stay shall not exceed thirty (30) days. (Added by 10/23/95 Special Town Meeting; approved by Attorney General 1/29/96)

COMMON DRIVEWAY: A driveway providing access to more than one, but no more than two, residential lots upon which only single-family or two-family residences may be located, except as otherwise provided in Section IX.A.6.of this Bylaw. Common driveways may not be used to satisfy zoning frontage requirements. (Added by 4/7/97 Annual Town Meeting; approved by Attorney General 7/2/97) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

COMMON WALL CONNECTOR: An interior wall that is shared by and separates the two dwelling units of a two-family dwelling and meets all of the following requirements: (Added by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

(a) The shared length of the common wall is no less than 50% of the longest dimension of the rectangle in which the footprint of the larger unit exists.
(b) It exists at the ground story level and is at least one (1) story in height.
(c) It separates enclosed interior space(s) in each of the dwelling units.
(d) It is designed to give the appearance that it connects the two dwelling units to each other.

COMMUNITY FACILITIES: Land and buildings owned, maintained and operated by a governmental or other chartered nonprofit organization, or public service corporation.

COOKING FACILITIES: Any facilities, including without limitation a hot plate or portable oven, which permit the occupant of a building to prepare or serve hot meals in the building on a regular basis. (Added by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

DORMITORY: A building owned or controlled directly or indirectly by a school, college, religious or like institution providing sleeping quarters for five (5) or more unrelated persons. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provision for living, sleeping, eating, cooking, and sanitation.

DWELLING, MULTI-FAMILY: A building designed as, and/or containing three (3) or more dwelling units, or a building containing one or more permitted non-residential uses on the ground floor, or on the ground and other floors, and also containing: (a) one or more dwelling units above the ground floor; or (b) no more than one dwelling unit on the ground floor. (Amended by 4/5/99 Special Town Meeting; approved by Attorney General 8/2 /99)

DWELLING, SINGLE-FAMILY ATTACHED: A building designed as, and/or containing two or more independent dwelling units separated by one or more common walls but with no common spaces within the building and no portion of any unit above or below any portion of another unit. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

DWELLING, SINGLE-FAMILY DETACHED: A building which is designed or occupied as a residence for one family containing one dwelling unit that is substantially separated by open space from any other structure or structures except accessory buildings.

DWELLING, TWO-FAMILY: A building or structure that contains two (2) dwelling units and either a common floor-ceiling assembly between the upper and lower level dwelling units or a common wall connector as defined in this Section. (Amended by 10/17/92 Special Town Meeting ; approved by Attorney General 1/11/93) (Amended by 10/21/02 Special Town Meeting; approved by Attorney General 2/03/03) (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

ESSENTIAL COMMUNITY SERVICES: Services and appurtenant equipment and installations provided by public utility or governmental agencies through underground or overhead gas, electrical, telephone, sewerage, drainage, refuse, water, traffic, fire and police systems. Specifically excluded from this definition are buildings, utility wireless communication antennae, transmission apparatus or overhead transmission towers. (Amended by 10/23/95 Special Town Meeting; approved by Attorney General 1/29/96)

FILLING STATION: An establishment which primarily sells automotive motor fuels, lubricants and accessory items, but which also may sell a limited range of convenience goods, as well as servicing and minor repairs of motor vehicles. (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10)

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

FLOOR AREA: The aggregate gross area of all floors within a principal building excluding cellars, basements, garages, areas under awnings or covered entry landings/decks, and attics not designed or used for human occupancy and excluding any area in accessory buildings. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

FLORICULTURE: The cultivation of ornamental flowering plants. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

FORMULA FAST FOOD ESTABLISHMENT: A restaurant establishment, required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, décor, external façade, or uniforms, which sells primarily on-premise prepared, ready-to-consume food or drink primarily through a combination of in-car, window, drive-through, or over-the-counter service. (Added 10/18/99 STM; AG 01/05/00)

FREESTANDING, EXTERIOR WIRELESS COMMUNICATIONS FACILITY: Any out-of-doors Wireless Communications Facility on which other wireless communications will be mounted. Including, but not limited to, any freestanding monopole, or any other similar freestanding structure. (Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

GROUNDWATER: All water found beneath the ground surface. The slowly moving sub-surface water present in aquifers and recharge areas.

GUEST HOUSE, PRIVATE: An accessory residential building with plumbing which does not have cooking facilities or kitchen cabinets, is not let for compensation, and which is clearly accessory to the principal dwelling unit. (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10)

HAZARDOUS AND TOXIC MATERIALS: Hazardous wastes and hazardous materials are defined as all of the substances included within the definition of "Hazardous Waste" contained in Massachusetts General Laws Chapter 21C #2 and/or the Massachusetts Department of Environmental Protection's (DEP's) 'Massachusetts Oil and Hazardous Materials List' (310 CMR 40.90 et seq.), as amended if applicable at the time of application or enforcement. Flammable and combustible liquids, flammable solids and flammable gasses are defined as all of the substances (other than heating fuel, diesel fuel, gasoline, and compressed gasses) covered by the provisions of 527 CMR 14.00 et seq., and Massachusetts General Laws Chapter 148 #9 and #13, each as amended, if applicable at the time of application or enforcement. Explosives are defined as all of the substances covered by the provisions of 527 CMR 13.00 et seq., as amended, if applicable at the time of application or enforcement. (Amended by 10/18/93 Special Town Meeting; by Attorney General 2/3/94)

HOME OCCUPATION: An accessory use which is carried on by the residents of the dwelling unit.

HORTICULTURE: The cultivation of a garden or orchard, including the growing of fruits, vegetables, and ornamental plants. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

HOSPICE: A coordinated program of hospice home care and inpatient care and services, provided by or arranged to be provided by an interdisciplinary team for persons who are determined to be terminally ill with a limited life expectancy. (Added by 10/18/93 Special Town Meeting; approved by Attorney General 2/3/94)

HOTEL, MOTEL: A building or group of buildings with more than 15 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, or related retail and consumer services, may be provided within the building or buildings. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

HYDRAULIC CONNECTION: The free movement of groundwater between different aquifers, or between a recharge area and a well.

IMPERMEABLE SURFACE: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil beneath. (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

INDOOR WIRELESS COMMUNICATIONS FACILITY: Any indoor Wireless Communications Facility mounted inside, erected inside or supported within an existing building or structure (including, without limitation, buildings, cupolas, church spires/steeples, inactive smoke stacks, and the like) occupied and/or used primarily for other purposes. (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

INDUSTRIAL WASTE: Any waste resulting from any process of industry, manufacture, trade or business, or from the development or recovery of any natural resource.

INN: A building or group of buildings containing no more than 15 guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, and/or related retail and consumer services, intended primarily for serving the guest room occupants and only incidentally the public, may be provided within the building or buildings. (Amended by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

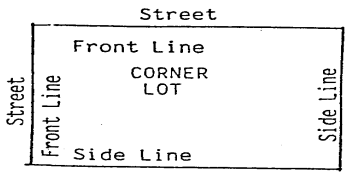
KENNEL: A single premises with a collection of eight (8) or more dogs three (3) months or older that are maintained for any legal purpose, or where four (4) or more litters per year are raised, or where the boarding or grooming of dogs is performed as a business**.** This definition is for zoning purposes only, and does not supersede any other definitions of Kennels associated with other State mandated regulations. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11; Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

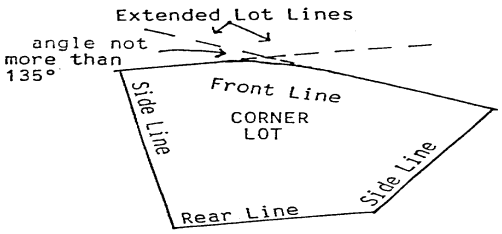
LEACHABLE WASTES: Waste materials, including soil waste and sludge, that are capable of releasing water-borne contaminants to penetrating water derived from rain or snowmelt.

LEED®: An acronym for Leadership in Energy and Environmental Design, a nationally accepted Green Building Rating System ™ for green buildings developed by the U.S. Green Building Council. LEED® standards vary based on project type and projects are rated for four levels: Certified, Silver, Gold and Platinum. (Added by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

LIFE CARE FACILITY: A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals, and culminating in a full health and continuing care nursing home facility. A life care facility must contain at least two of the following: Independent Elderly Housing, Congregate Elderly Housing, or Nursing Facility. (Added by 10/21/96 Special Town Meeting; approved by Attorney General 12/9/96)

Diagram 1





LIVERY STABLE: An establishment where horses are boarded and cared for and the general public may, for a fee, hire horses for riding and/or driving. (Added by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

LOT: A single area of land in one ownership, within definite boundaries, used, or available for use, as the site for one or more buildings. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

LOT AREA: The horizontal area of a lot exclusive of any area in a street or way. For all residential dwellings, except for those built on lots created under Section IX.A (OSPZ) of the zoning bylaw, not more than thirty percent (30%) of the lot area required for zoning compliance shall be a creek, stream, river, pond, lake, estuary or bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, wet meadow or swamp as defined by Massachusetts General Laws, Chapter 131, Section 40, as amended. (Amended by 10/23/95 Special Town Meeting; approved by Attorney General 1/29/96) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

LOT, CORNER: A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection of the street lot line, or in case of a curved street extended tangent lines, being not more than one hundred thirty-five (135) degrees. *(See Diagram 1)*

LOT FRONTAGE: The horizontal distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line.

LOT LINE: A division line between adjoining properties, including the division line between individual lots established by a plan filed in the Registry of Deeds; also includes "street line". (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

LOT LINE, FRONT: Any property line dividing a lot from a street. *(See Diagram 1)*

LOT LINE, REAR: Except for a corner lot, the lot line opposite or farthest from the street upon which the lot derives its frontage. On a corner lot, any line or lines which are not a front line and do not intersect with a front lot line shall be considered rear lot lines. *(See Diagram 1)* (Added by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99)

LOT LINE, SIDE: Any lot line not a front or rear lot line. On a corner lot, any line which intersects with a front line shall be considered a side lot line, notwithstanding Section VI.G.5. of this zoning bylaw. *(See Diagram 1)* (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

LOT WIDTH: The distance between lot lines measured parallel to the front property line at the front of the principal building. (Amended by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

LOW IMPACT DEVELOPMENT (LID): An approach to development designed to manage precipitation at the source through the use of uniformly distributed, decentralized, micro-scale controls. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. (Added by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

MEMBERSHIP CLUB: Premises or buildings of an organization exclusively servicing members and their guests for recreational, athletic, or civic purposes. (Added by 10/23/95 Special Town Meeting; approved by Attorney General 1/29/96)

MOBILE HOME: A dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters. For the purposes of this bylaw, the term "mobile home" shall include trailers, motorized homes and bus, camper or van conversions which are designed to provide human habitation (Added by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99) (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

MULTI-FAMILY RESIDENTIAL DEVELOPMENT: A lot which contains or has built upon it: (a) one or more multi-family dwellings; (b) one or more multi-family dwellings and one or more single or two-family dwellings, provided that the single family dwellings constitute no more than 25% of the total units in the residential development, or (c) two (2) or more two-family dwellings (Added by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10 (Amended by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

NONCONFORMING STRUCTURE OR USE: A structure or use which conformed to all the applicable laws at the time of commencement, which, due to a change in zoning does not now conform to the provisions of this bylaw. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/21/96 Special Town Meeting; approved by Attorney General 12/9/96)

NORMAL HOUSEHOLD USE: any or all of the following:

i. 600 gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator, or

ii. A total of 25 gallons (or the dry weight equivalent) or less of other hazardous or toxic materials on site at any time, including oil not used for heating or to supply an emergency generator (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

OCCUPANCY: The purpose for which a building or part thereof is used or intended to be used.

OPEN SPACE: The space on a lot unoccupied by a building, unobstructed to the sky, not devoted to streets, driveways, off-street parking or loading spaces or other impervious surfaces, and expressed as a percentage of total lot area.

PARKING AREA, PARKING FACILITY: A structure or lot, and the means of access thereto, which is used for the storage of motor vehicles. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

PARKING LOT OR STRUCTURE, COMMERCIAL: A designated area or structure used for the parking and storage of vehicles which is operated as a business and open to the public for a fee. (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

PERFORMING ARTS CENTER: A theater, dance hall, music hall, lecture hall or similar place of public assembly. (Added by 10/23/95 Special Town Meeting; approved by Attorney General 1/29/96)

PERSONAL CONSUMER AND SERVICE ESTABLISHMENT: An establishment not described elsewhere in the Table of Use Regulations of this bylaw, which has ordinary characteristics of retail establishments except that services instead of goods are sold. Its principal activity is to furnish service to the consuming public. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

POTENTIAL DRINKING WATER SOURCES: Areas or aquifers which could provide significant drinking water in the future. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

PURPOSES, SUBSTANTIALLY DIFFERENT: A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

REST HOME, CONVALESCENT HOME, OR NURSING HOME: An extended or intermediate care facility licensed or approved to provide 24-hour nursing care, rehabilitative services, and assistance with activities of daily living to the chronically ill as well as those who have been hospitalized for an illness or operation and require a short period of rehabilitation before returning home. (Added by 10/21/96 Special Town Meeting; approved by Attorney General 12/9/96)

RIDING ACADEMY: An establishment where instruction in riding, jumping and/or showing is offered and where horses may be boarded and cared for and where the general public may be given riding and/or driving lessons on horses owned by the establishment. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11; Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

SAFE YIELD: The amount of water that can be withdrawn annually from a groundwater basin without a net loss of groundwater reserves.

SETBACK: The minimum distance required between a structure and the specified lot line (front, side, rear). (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

SHOPPING CENTER: A retail business, entertainment, or consumer service establishment or an aggregation of such establishments on the same premises, having a minimum of 20,000 square feet of gross floor area. (Added by 10/29/95 Special Town Meeting; approved by Attorney General 1/29/96)

SILVICULTURE: The art of producing and caring for a forest. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

SLUDGE: Residual materials produced by water and sewage treatment processes and domestic septic tanks.

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. (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

SOLID WASTES: Any discarded solid material, putrescible or nonputrescible, consisting of all combustible and noncombustible solid material including but not limited to garbage and rubbish.

STABLE: Livery, boarding or riding stables for four (4) or more horses which may include facilities for showing and training horses. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

STORAGE TRAILER: Any structure or piece of equipment, not especially designed or used for residential occupancy or recreational use, having an interior volume of more than one thousand (1,000) cubic feet, built upon, or having a frame or chassis to which wheels may be, or have been, attached and by which it may be, or was at one time moved, upon a street, whether or not such entity actually has at any given time had such wheels attached; or is not normally used for commercial transport. (Amended by 4/4/88 Annual Town Meeting; approved by Attorney General 6/10/88)

STORY: That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above. Basements shall be considered a story if it meets the definition of ‘story above grade’ as defined in the State Building Code. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

STREET: A way, which in the reasonable judgment of the Planning Board, has sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic existing and/or resulting from the development of abutting land and for the installation of municipal services to such land(s) and/or buildings located on or to be constructed on such land and which complies with one of the following criteria: (1) a way which the Town Clerk certifies is used as and maintained regularly and consistently as a public way by the Town to the same extent to which other public ways are maintained by the Town; or (2) a way shown on a plan previously approved and endorsed by the Planning Board and recorded at the Registry of Deeds; or (3) a way existing prior to the date on which subdivision control was adopted by the Town. (Amended by Town Meeting 4/7/86; approved by Attorney General 5/13/86)

STREET LINE: The property line separating the street from the lot. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

STRUCTURE: Any constructed, erected, or placed material or combination of materials in or upon the ground to give support or shelter, including, but not limited to, buildings, mobile homes, radio towers, sheds, signs and storage bins, swimming pools, tennis courts, platforms, and fences. The word "structure" shall be construed where the context allows as though followed by the words "or part thereof.”

TEMPORARY LIVING FACILITY: A not-for-profit facility providing temporary housing for up to eight individuals who are without a permanent place of residence. The maximum stay for any individual at a temporary living facility is thirty (30) consecutive days. (Added by 10/21/96 STM; approved by AG 12/9/96)

TREATMENT WORKS: Any device, process and property, real or personal, used in the collection, pumping, transmission, storage, treatment, discharge, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works that receive a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal. (Added by 10/22/03 Special Town Meeting; approved by Attorney General 1/22/04)

U.S. GREEN BUILDING COUNCIL (USGBC): A national nonprofit membership organization comprised of leaders from the building industry, formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable, and healthy places to live and work. USGBC promulgated the LEED® Green Building Rating System™. (Added by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

USE: The purpose for which a structure and/or lot is arranged, designed, or intended to be used, occupied, or maintained.

USE, MIXED: Two or more principal uses occupying the same structure or lot, each of which is independent of and unrelated to the other.

USE, PRINCIPAL: The main or primary purpose for which a structure or lot is arranged or intended, or for which it may be used, occupied, or maintained under this bylaw.

VERY SMALL QUANTITY GENERATOR: Any public or private entity, other than a residence, that produces less than 27 gallons by volume or an equivalent 100 kilograms by weight a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

VITICULTURE: The cultivation of grapes. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

WATER SUPPLY PROTECTION DISTRICT: The zoning district defined to overlay other zoning districts in the Town of Ipswich. The Water Supply Protection District may include specifically designated recharge areas. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

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. (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

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. (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

WIND ENERGY CONVERSION SYSTEMS, MUNICIPAL: WECS located on Town-owned or Town-controlled property without regard to the ownership of the structure or equipment. (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

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. (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

WIRELESS COMMUNICATIONS FACILITIES: Any and all materials, equipment, equipment structures, storage structures, towers, and antennas, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services, including, but not limited to, cellular telephone service, personal communications, and enhanced specialized mobile radio service. The term wireless communications facilities shall mean personal wireless service facilities within the meaning of 47 U.S.C. Section 332 (c)(7). (Added by 4/7/97 Annual Town Meeting; approved by Attorney General 7/2/97)

ZONE I (GROUND WATER): The area closest to the well, within a 400 foot radius of the well. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

ZONE II (GROUND WATER): The primary recharge area for the aquifer. This area is defined by hydrogeologic studies and approved by the DEP. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

ZONE A (SURFACE WATER): The landward area 400 feet from the edge of a reservoir and 200 feet from the edge of its tributaries and the land area between the surface water source and the upper boundary of the bank, provided that the edges of reservoirs and tributaries thereto are defined as the landward edges of any associated Bordering Vegetated Wetlands ("BVW") or, where BVW is not present, as the top of bank of reservoirs and tributaries thereto. Delineation of BVW and of "top of bank" shall be in accordance with current guidance published by the Mass. Department of Environmental Protection ("MADEP") or its successor agency. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

ZONE C (SURFACE WATER): The remaining area in the Water Supply Protection District not designated as Zone A, Zone I, or Zone II. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

IV. ZONING DISTRICTS

A. Type of Districts

The Town of Ipswich is hereby divided into districts of twelve (12) types to be known as: (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

1. Rural Residence A (RRA) District
2. Rural Residence B (RRB) District
3. Rural Residence C (RRC) District (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)
4. Intown Residence (IR) District
5. General Business (GB) (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)
6. Central Business (CB) District (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)
7. Highway Business (HB) District (Added by 10/18/93 Special Town Meeting; approved by Attorney General 2/4/94)
8. Planned Commercial District (PC) (Amended by 10/22/90 Special Town Meeting; approved by AG 1/14/91)
9. Industrial (I) District
10. Limited Industrial (LI) District (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)
11. Water Supply (WSA) District A
12. Water Supply (WSB) District B
13. Flood Plain (FP) District (Amended by 4/1/85 Annual Town Meeting; approved by Attorney General 11/4/85) (Amended by 11/4/91 Special Town Meeting; approved by Attorney General 3/5/92)
14. Wireless Communication Districts (Added by 10/21/02 Special Town Meeting; approved by AG 2/03/03)
15. Green Space Preservation District (Added by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

B. Intent of Districts

The intent of the districts is as follows:

1. The Rural Residence Districts are intended primarily for single-family residential uses in a rural and semi-rural environment. Agricultural uses are permitted, as are community facilities necessary to service the residential uses. Generally, commercial and industrial uses are not permitted. The district is generally not served by municipal sewerage, but areas within the district may be accessible to it. Municipal water supply is available in most areas of this district.

2. The Intown Residence District is intended primarily for residential uses in the older, more established area of the Town. The predominantly permitted use is single-family residences, but two-family and multi-family residential uses may also be permitted. Community facilities necessary to service the residential uses are permitted. In addition, certain business uses may be permitted, but most non-residential uses are not allowed. The district is generally served by municipal water supply and sewerage facilities.

3. The General Business (GB) District is intended primarily for retail, trade, service, and other commercial uses with some compatible light industrial uses. Multi-family residential uses may be permitted. The District is generally served by municipal water supply and sewerage facilities. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

4. The Central Business (CB) District is intended primarily to accommodate a composite of business and retail uses, multi-family residential uses, office uses, and institutional uses, all of which comprise the Town's central core. The district is served by municipal water supply and sewerage facilities. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

5. The Highway Business District is intended primarily for retail, trade, service, and other commercial uses; multi-family residential uses at a density defined by this bylaw may also be permitted by Special Permit. The District is generally served by municipal water supply but is only partially served by sewerage facilities. (Added by 10/18/93 Special Town Meeting; approved by 2/3/94 by Attorney General)

6. The Planned Commercial District is intended for non-residential uses. Office and service uses are generally permitted; retail, research and development, enclosed manufacturing, warehousing and other commercial uses require a special permit. The district is intended to preserve the natural features and vistas of the Route One Corridor. The district is not served by municipal sewerage or water. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

7. The Industrial District is intended for light industrial uses and business uses, which are compatible with adjacent uses. Industrial uses which might constitute a nuisance due to odor, fumes, dust, vibration, or other nuisance type characteristics, are not intended. The District, except that portion bordering Route One, is served by municipal water supply and either served by municipal sewerage facilities or located in an area of planned sewerage expansion.

8. The Limited Industrial District is intended for some light industrial, wholesale, and warehouse uses. Industrial uses which require smelting or chemical reduction or which might constitute a nuisance due to odor, fumes, dust, vibration, heat, glare, noise, (i.e., have a decibel level over fifty-five (55) more than fifty (50) feet from the premises), or other nuisance characteristic are not intended. Retail and office uses are prohibited. The district is intended to preserve the natural features and vistas of the Route One Corridor. The district is not served by municipal sewerage. Municipal waste supply is available only in that portion of the district bordering Old Right Road and the access road to Assessor's Map 27A, Parcel 21. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

9. The Water Supply Districts are intended to protect the public health and safety by preserving and maintaining the existing ground and surface water supplies and to protect the community from the costs which may be incurred if unsuitable development were to reduce either the quantity or quality of the municipal water supply.

10. The Flood Plain District is intended to protect persons and property against the hazards of flood inundation by assuring the continuation of the natural flow pattern of the water courses within the Town; to minimize the impact of coastal storms; to protect the health and safety of individuals; and to protect the community from costs which may be incurred from unwise individual choices of uses of lands which are subject to seasonal or periodic flooding. (Amended by 4/1/85 Annual Town Meeting; approved by Attorney General 11/4/85) (Amended by 11/4/91 Special Town Meeting; approved by Attorney General 3/5/92)

11. The Wireless Communication Districts are overlay districts intended to accommodate wireless communication facilities. Wireless Communication District A is intended for all types of wireless facilities, including free-standing monopoles. Wireless Communication District B is intended only for wireless facilities wholly enclosed within or attached to buildings or structures. (Added by 10/21/02 Special Town Meeting; approved by Attorney General 2/03/03)

12. The Green Space Preservation Development District is an overlay district intended to expand the Town's economic base by allowing limited non-residential uses on certain large properties in the RRA and RRC Districts. This overlay district preserves the allowed uses of the underlying districts while allowing specified non-residential uses if designed to protect the Town's natural features, rural character and vistas, preserve open space, and provide an alternative to subdivision of large parcels for residences. (Added by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

C. District Boundaries

The boundaries of each of the said districts, except the Water Supply District A, Water Supply District B, and the Flood Plain District, are hereby established as shown, and defined and bounded on the map accompanying this bylaw and on file with the Clerk of the Town of Ipswich titled "Zoning Map of the Town of Ipswich, Massachusetts". Said map and all explanatory matter thereon are hereby incorporated herein by reference. (Amended by 4/1/85 Annual Town Meeting; approved by Attorney General 7/9/85) (Amended by 11/4/92 Special Town Meeting; approved by Attorney General 3/5/91)

The boundaries of the Water Supply Districts are hereby established as shown, defined and bounded on a map accompanying this bylaw, prepared by Metcalf and Eddy, Inc., Boston, Massachusetts, entitled "Water Supply Districts of the Town of Ipswich, 1983" and on file with the Clerk of the Town of Ipswich.

The boundaries of the Flood Plain District are hereby established as shown, defined and bounded on a map accompanying this bylaw, prepared by Dewberry and Davis, Fairfax, Virginia, entitled "Town of Ipswich Compiled Flood Insurance Rate Map, scale 1" = 1,000' dated August 05, 1985" and on file with the Clerk of the Town of Ipswich. All explanatory matter thereon is hereby incorporated herein by reference. Said Flood Plain District includes all special flood hazard areas designated as Zones A, AO, A1-30, and V1-30 on said map. (Amended by 4/1/85 Annual Town Meeting; approved by Attorney General 7/9/85)

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:

1. Where a boundary is indicated as a street, railroad, watercourse, or other body of water, it shall be construed to be the centerline or middle thereof.

2. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such a distance there from as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.

3. Where a dimensioned boundary coincides within ten (10) feet or less with a property line existing at the date of adoption of the zoning district boundary, the boundary shall be construed to be the property line.

4. Where boundary lines extend to the Town boundary, then the Town boundary shall be construed to be a zoning district boundary line closing the district so extended. (Amended by deleting paragraph referencing Wetlands District 11/4/91 Special Town Meeting; approved by Attorney General 3/5/92)

V. USE REGULATIONS

A. Applicability of Use Regulations

Except as provided by Chapter 40A of the Massachusetts General Laws, as amended, or this bylaw, in each district no building, structure, water body, or lot shall be used or occupied except for the purposes permitted in the district as described in this section. Any use not listed in these regulations, unless otherwise listed in Section IX. SPECIAL REGULATIONS, G. Wireless Communications Facilities, paragraph 3., or in H. Great Estate Preservation Development, paragraph 2., of this bylaw, shall be construed to be prohibited. (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

B. Permitted Uses

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

SPB – special permit of the Planning Board
SBA – special permit of the Zoning Board of Appeals
SBS – special permit of the Board of Selectmen

Uses designated with a dash (—) shall not be permitted in the district.

C. Uses Subject to Other Regulations

Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions by this bylaw except as otherwise stated in this bylaw.

D. Table of Use Regulations

The Table of Use Regulations on accompanying pages is a part of this bylaw. The regulations are divided into two (2) parts: those uses permitted as principal uses and those uses permitted as accessory uses. Mixed uses shall be allowed providing each principal use is separately allowed in the Table of Use Regulations. (Amended by deleting language referencing hazardous materials 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

TABLE OF USE REGULATIONS										
PRINCIPAL USE	**DISTRICT**									
Residential	**RRA[16]**	**RRB[16]**	**RRC[16]**	**IR[16]**	**GB[16]**	**CB[16]**	**HB[16]**	**PC[16]**	**I[16]**	**LI[16]**
Single-family detached dwelling (Amended 10/15/01, 10/23/01, 10/18/04 and 10/26/10 STM, A.G. 2/19/02, 1/27/05 and 2/24/11)	P[18]	P[18]	P[18]	P[18]	—	—	—	—	—	—
Two-family dwelling[30] (Amended 10/15/01, 10/23/01, 10/19/09 and 10/26/10 STM, AG 2/19/02, 2/16/10 and 2/24/11)	SBA[18]	SBA[18]	SBA[18]	P[18]	—	—	—	—	—	—
Multi-family dwelling[30] (Amended 10/18/04, 10/19/2009 and 10/26/10 STM; 1/27/05, 2/16/10 and 2/24/11 AG)	—	—	—	SPB[18,20]	SPB[20]	SPB[20]	SPB[20]	—	—	—
Multi-family residential development[30] (Added 10/17/05 STM; 12/12/05 AG, Amended 10/26/10 STM, 2/24/11 AG)	—	—	—	SPB[18,20]	SPB[20]	SPB[20]	SPB[20]	—	—	—
Bed & Breakfast Home (Added 10/17/94 STM; AG 12/6/94)	SPB	—	SPB	P	—	—	P	—	—	—
Dormitory: resident, fraternity, or sorority (Amended 10/23/95 STM, 1/29/96 AG)	SPB	—	SPB	SPB	SPB	SPB	SPB	—	—	—
Mobile home for permanent residency	—	—	—	—	—	—	—	—	—	—
Mobile home for temporary residency (Amended 9/15/86 STM; AG 1/13/87) (Amended 10/17/05 STM; AG 12/12/05)	SBA[1]	SBA[1]	SBA[1]	SBA[1]	SBA[1]	SBA[1]	SBA[1]	SBA[1]	SBA[1]	SBA[1]
Open Space Preservation Zoning (Added 4/1/85 TM; AG 7/9/85)	SPB	SPB	SPB	—	—	—	—	—	—	—
Conversion of existing dwelling into bed & breakfast home (Added 10/17/94 STM; AG 12/6/94)	SPB	—	SPB	P	P	P	P	—	—	—
Temporary Living Facility (Added 10/21/96 STM; AG 12/9/96)	—	—	—	—	SPB	SPB	—	—	—	—
Great Estate Preservation Development (Added 10/20/97 STM; AG 2/10/98)	SPB	—	—	—	—	—	—	—	—	—
Common Driveway (Added 4/7/97ATM; AG 7/2/97)	P	P	P	P	—	—	—	—	—	—
Community Facilities										
Church and other religious purpose	P	P	P	P	P	P	P	P	P	P
Educational purpose which is religious, sectarian, denominational, public, or non-profit	P	P	P	P	P	P	P	P	P	P
Educational purpose which is operated for profit, except nursery school	—	—	—	—	SBA	SBA	SBA	SBA	SBA	SBA
Child care facilities (Added 10/18/93 STM; AG 2/3/94)	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]
Town governmental building except equipment garage	SBA	SBA	SBA	SBA	P	P	P	P	P	P
Town equipment garage	—	—	—	—	SBA	SBA	SBA	SBA	P	SBA
Expansion of existing town or non-profit cemetery, including a crematory therein	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA
Town outdoor recreation facility and any other outdoor non-commercial recreation use such as private boathouses and landings	P[3]	P[3]	P[3]	P[3]	SPB[3]	SPB[3]	SPB[3]	SPB[3]	SPB[3]	SPB[3]
Historical, philanthropic, or charitable association or society	P	P	P	P	P	P	P	P	P	P

TABLE OF USE REGULATIONS (contd.)										
PRINCIPAL USE	**DISTRICT**									
Community Facilities (cont'd)	**RRA[16]**	**RRB[16]**	**RRC[16]**	**IR[16]**	**GB[16]**	**CB[16]**	**HB[16]**	**PC[16]**	**I[16]**	**LI[16]**
Wastewater treatment facility,water treatment plant, sludge composting facility, sanitary landfill, refuse incinerator, recycling center, transfer station, other treatment or waste related facility (Amended 11/4/91 STM; AG 3/5/92) (Amended 10/15/07 STM; AG 1/23/98)	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]
Town power plant, including a municipal wind energy conversion system (Added 10/15/07 STM; AG 1/23/08)	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]
Municipal parking lot or structure (Amended 10/23/95 STM, 1/29/96 AG)	—	—	—	—	P	P	P	SPB	P	P
Street, bridge, vehicular tunnel, or railroad lines	P	P	P	P	P	P	P	P	P	P
Facilities as needed for essential community services	P	P	P	P	P	P	P	P	P	P
Private utility overhead transmission line, substation or similar facility or building	—	—	—	—	—	—	—	—	—	—
Commercial										
Kennel, stable, livery stable or riding academy (Amended 10/19/09 STM; 2/16/10 AG)	SBA[5, 29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]
Veterinary hospital (Added 10/19/09 STM; 2/16/10 AG)	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]
Performing arts center (Added 10/23/95 STM; 1/29/96 AG)	SPB	—	—	SPB	P	P	P	SPB	SPB	—
Retail establishment selling principally convenience goods including but not limited to: food, drugs & proprietary goods	—	—	—	SBA[6,34]	P[34]	P[34]	P[34]	SBA[14,34]	SBA[34]	—
Retail establishment selling general merchandise, including but not limited to dry goods, apparel and accessories, furniture and home furnishings, home equipment, small wares, and hardware, and including discount and limited price variety stores (Added 10/15/07 STM; 1/23/08 AG)	—	—	—	—	P	P	P	SPB	SBA	—
Keeping, raising and breeding of farm animals, such as poultry, horses, livestock or farm animals, or insects on five (5) acres or more (Amended 10/19/09 STM; 2/16/10 AG)	P	P	P	P	P	P	P	P	P	P
Keeping, raising and breeding of farm animals, such as poultry, horses, livestock or farm animals, or insects on less than five (5) acres (Amended 10/19/09 STM; 2/16/10 AG)	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA
Greenhouses, gardens, orchards, nurseries, silviculture, viticulture, and agriculture (Added 10/19/09 STM; 2/16/10 AG)	P	P	P	P	P	P	P	P	P	P
Sale of agricultural, aquacultural, silvicultural, horticultural, floricultural, or viticultural products, on a wholesale or retail basis, on five (5) acres or more (Added 10/19/09 STM; 2/16/10 AG)	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]

TABLE OF USE REGULATIONS (contd.)										
PRINCIPAL USE	**DISTRICT**									
Commercial Facilities (cont'd)	**RRA[16]**	**RRB[16]**	**RRC[16]**	**IR[16]**	**GB[16]**	**CB[16]**	**HB[16]**	**PC[16]**	**I[16]**	**LI[16]**
Sale of agricultural, aquacultural, silvicultural, horticultural, floricultural, or viticultural products, on a wholesale or retail basis, on less than five (5) acres (Added 10/19/09 STM; 2/16/10 AG; Amended 10/17/11 STM; 2/2/12 AG)	SBA[4,7]	SBA[4,7]	SBA[4,7]	SBA[4,7]	P[7]	P[7]	P[7]	SBA[4,7]	SBA[4,7]	SBA[4,7]
Commercial wind energy conversion system (Added 10/15/07 STM; 1/23/08 AG)	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,2
Eating and drinking places, excluding formula fast food establishments, which provide seating for at least sixteen persons within the building (Amended 10/21/96 STM; 12/9/96 AG) (Amended 10/18/99 STM; 1/5/00 AG)	—	—	—	—	P	P	P	SBA[14]	SBA	—
Formula fast food establishments which provide seating for at least sixteen persons within the building.[21] (Added 10/21/99 STM, 1/5/00 AG) (Amended 10/20/03 STM; 1/22/04 AG)	—	—	—	—	—	SPB	—	—	—	—
Establishment selling and/or renting new and/or used automobiles, trucks, aircraft, boats, motorcycles, and household and camping trailers, and enclosed repair facilities accessory thereto (Amended 10/20/03 STM; 1/22/04 AG)	—	—	—	—	SPB	—	SPB	—	P	—
Establishment selling motor vehicle parts and accessories	—	—	—	—	P	P	P	SBA[14]	P	—
Establishment for repair and/or service of new and/or used automobiles, trucks, aircraft, boats, motorcycles, small engines, and household and camping trailers (not including a junkyard or open storage of abandoned motor vehicles) (Amended 10/23/95 STM; 1/29/96 AG) (Amended 10/20/03 STM; 1/22/04 AG) (Amended 10/18/04 STM; 1/27/05 AG)	—	—	—	—	SPB	—	SPB	SPB[14]	SPB	—
Filling Station (Added 10/19/09 STM; 2/16/10 AG)	—	—	—	—	SPB	—	SPB	SPB	SPB	—
Hotels and Motels	—	—	—	—	P	P	P	SPB	P	—
Inn, including conversion of an existing dwelling into an inn[25] (Amended 10/17/94 STM; AG 12/6/94) (Amended 10/16/06 STM; AG 1/4/07)	SBA	—	SBA	P	P	P	P	—	P	—
Bed & breakfast establishment, including conversion of an existing dwelling into a bed & breakfast establishment (Added 10/17/94 STM; AG 12/6/94)	SPB	—	—	SPB	P	P	P	P	—	P
Personal & consumer service establishment	—	—	—	—	P	P	P	SBA[24]	SBA	—
Funeral establishment	—	—	—	SBA	SBA	SBA	SBA	-	SBA	—
Rest homes, convalescent home, or nursing homes for the elderly or infirm	SBA	SBA	SBA	SBA	—	—	—	—	—	—
Hospital, or medical or dental clinic	—	—	—	—	P	P	P	SBA	P	SBA
Membership club	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA	—

TABLE OF USE REGULATIONS (contd.)										
PRINCIPAL USE	**DISTRICT**									
Commercial (cont'd)	**RRA[16]**	**RRB[16]**	**RRC[16]**	**IR[16]**	**GB[16]**	**CB[16]**	**HB[16]**	**PC[16]**	**I[16]**	**LI[16]**
Miscellaneous professional and business offices and services including, but not limited to, medical, legal, or other professional services and finance, banking, insurance and real estate offices	—	—	—	SBA	P	P	P	P	P	—
Miscellaneous business repair services, including, but not necessarily limited to, appliances, televisions, computers, and office equipment (Amended 10/23/95 STM; 1/29/96 AG)	—	—	—	—	P	P	P	SBA[14]	P	SBA
Motion picture establishment, indoor only	—	—	—	—	P	P	P	SBA	SBA	—
Other amusement and recreation service, indoor only	—	—	—	—	P	P	P	SBA	SBA	—
Country, fishing, tennis, boating, golfing, or similar club	SPB	SPB	SPB	—	—	—	—	SPB	SPB	—
Commercial parking lot or structure including a public garage	—	—	—	—	SBA	SBA	SBA	SPB	P	—
Shopping center (Added 10/23/95 STM; 1/29/96 AG) (Amended 10/18/99 STM; 1/5/00 AG) (Amended 10/20/03 STM; 1/22/04 AG)	—	—	—	—	P	SPB	SPB	SPB	—	—
Golf driving range, miniature golf, and/or batting cage (Added 10/23/95 STM; 1/29/96 AG)	—	—	—	—	—	—	SPB	SPB	—	—
Mini-storage warehouses (Added 10/23/95STM; 1/29/96 AG) (Amended 10/15/07; 1/23/08 AG)	—	—	—	—	SPB	SPB	P	SPB	P	P
Campground (Added 10/23/95 STM; 1/29/96 AG)	SPB	—	SPB	—	—	—	SPB	—	—	—
Assisted Living or Life Care Facility[19] (Added 10/21/96 STM; 12/9/96 AG) (Amended 10/20/08 STM; 1/28/09 AG)	SPB	SPB	SPB	SPB	SPB	SPB	—	—	—	—
Adult Entertainment Establishment (Added 10/21/96 STM; 12/9/96 AG)	—	—	—	—	—	—	—	—	SPB	—
Car wash facility (Added 10/16/00 STM; 3/8/01 AG)	—	—	—	—	—	—	SPB	SPB	SPB	—
Body art establishment (Added 10/15/01 STM; 2/19/02 AG)	—	—	—	—	—	—	SPB	—	—	—
Wholesale, Transportation & Industrial										
Removal of sand, gravel, or loam	SBS	SBS	—	—	—	—	—	—	SBS	—
Newspaper printing and job printing	—	—	—	—	P	P	P	—	P	—
Processing and treating of raw materials not enclosed, including operations appurtenant to the removal, such as grading, drying, sorting, crushing, grinding, and milling operations (Amended 10/15/07 STM; 1/23/08 AG)	—	—	—	—	—	—	—	—	—	—
Research offices or establishments devoted to research and development activities (Amended 10/20/08 STM; 1/28/09 AG)	—	—	—	—	SBA	SBA	SBA	SBA	SBA	SBA
Enclosed manufacturing of a product including processing, blending, fabrication, assembly, treatment and packaging[35] (Amended 10/15/07 STM, 1/23/08. Amended 10/26/10 STM, 2/24/11 AG)	—	—	—	—	SBA	SBA	SBA	SPB	P	P

TABLE OF USE REGULATIONS (contd.)										
PRINCIPAL USE	**DISTRICT**									
Wholesale, Transportation and Industrial (cont'd)	**RRA[16]**	**RRB[16]**	**RRC[16]**	**IR[16]**	**GB[16]**	**CB[16]**	**HB[16]**	**PC[16]**	**I[16]**	**LI[16]**
Enclosed construction uses including materials and equipment storage and supplies	—	—	—	—	—	—	P	SBA	P	P
Laundry plant, dry cleaning plant or non-retail bakery (Amended 10/20/03 STM; 1/22/04 AG)	—	—	—	—	P	SBA	P	—	P	—
Bus and/or railroad passenger stations and any other passenger transportation services (Amended 11/4/91 STM; 3/9/92 AG)	—	—	—	—	P	P	P	SPB	P	—
Wholesale trade, warehousing and distribution	—	—	—	—	SBA	SBA	SBA	SBA	P	SBA
Open storage of raw materials, finished goods, or construction equipment and structures for storing such equipment	—	—	—	—	—	—	—	—	P[8]	P[8]
ACCESSORY USE										
Accessory apartment (Added 4/5/99; 8/2/99AG) (Amended 10/18/04; 1/27/05 AG)	SBA	SBA	SBA	SBA	—	—	—	—	—	—
Non-habitable solar energy collection apparatus	P	P	P	P	P	P	P	P	P	P
Child care facilities (Added 10/18/93 STM; 2/3/94 AG; amended 10/19/09; 2/16/10 AG)	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]
Tool shed, play-house, tennis court, boat house, or other similar accessory structure; storage of boats and boat trailers; private garage for motor vehicles, or more than one vehicle owned by a non-resident of the premises amended 10/19/09, 2/16/10 AG)	P	P	P	P	P	P	P	—	P	—
Private guesthouse amended 10/19/09; 2/16/10 AG)	SBA	SBA	SBA	SBA	SBA	SBA	SBA	—	SBA	—
Accessory off-street parking and loading facilities	P	P	—	P	P	P	P	P	P	P
Unregistered motor vehicles: (Amended 11/4/91 STM; 3/5/92AG) One (1) not in an enclosed building	P	P	P	P	P	P	P	P	P	P
More than one (1) not in an enclosed building, but limited to one (1) per each whole acre in the Rural Residence zone.	SBA[10]	SBA[10]	SBA[10]	—	SBA[10]	SBA[10]	SBA[10]	SBA[10]	SBA[10]	SBA[10]
Up to four (4) all within an enclosed building	P	P	P	P	P	P	P	P	P	P
More than four (4) in an enclosed building	SBA[10]	—	SBA[10]	—	SBA[10]	SBA[10]	SBA[10]	SBA[10]	SBA[10]	SBA[10]
Accessory outside storage clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial and/or commercial use, provided: it shall be screened from view outside the premises	P	P	—	P	P	P	P	SBA	P	P

TABLE OF USE REGULATIONS (cont.)										
ACCESSORY USE	**DISTRICT**									
(cont'd)	**RRA[16]**	**RRB[16]**	**RRC[16]**	**IR[16]**	**GB[16]**	**CB[16]**	**HB[16]**	**PC[16]**	**I[16]**	**LI[16]**
Newsstand, barbershop, dining room or cafeteria, and similar accessory services primarily for occupants or users thereof within a hotel, office, industrial building, assisted living facility, life care facility, or hospital	—	—	—	SBA	SBA	SBA	SBA	P[15]	SBA	SBA[15]
Landfill, dredging, or draining	P	P	—	P	P	P	—	—	P	—
Signs	P	P	P	P	P	P	P	P	P	P
Offices customary to a principal commercial or industrial use allowed in the district	—	—	—	—	P	P	P	P	P	P
Gardens, greenhouses, orchards, nurseries, silviculture, viticulture, or aquaculture (Amended STM 10/19/09; 2/16/10 AG)	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]	P[33]
Keeping, raising, and breeding of farm animals, such as poultry, horses, livestock or other farm animals, or insects for use only by residents of the premises on one (1) acre or more[32] (Amended 10/20/03 and 10/19/09 STM; 1/22/04 and 2/16/10 AG)	P	P	P	P	P	SBA[32]	P	—[32]	P	—[32]
Keeping, raising, and breeding of farm animals, such as poultry, horses, livestock or other farm animals, or insects for use only by residents of the premises on less than one (1) acre (Amended 10/20/03 STM; 1/22/04 AG)	SBA	SBA	P	SBA	SBA	—	SBA	—	SBA	—
Fine arts instructional programs	SBA[11]	SBA[11]	—	SBA[11]	P[11]	P[11]	P[11]	P[11]	P[11]	—
In-ground swimming pools	P[13]	P[13]	P[13]	P[13]	P[13]	P[13]	P[13]	P[13]	P[13]	—
Wastewater Plant or Package Wastewater Plant or Power Plant (Amended 4/6/87 ATM; 8/24/87 AG)	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
Storage Trailers, Temporary Use (Amended 4/4/88 ATM; 6/10/88 AG)	P[12]	P[12]	P[12]	P[12]	P[12]	P[12]	P[12]	P[12]	P[12]	P[12]
Storage Trailers, Permanent Use (Amended 4/4/88 ATM; 6/10/88 AG)	—	—	—	—	—	—	—	—	—	—
Temporary fairs, horse shows, sports instructional programs, and similar events[22] (Added 10/16/00 STM; 3/8/01 AG)	P	P	P	P	P	P	P	P	P	P
Manager's unit in:										
hotels, motels,	—	—	—	—	SPB	SPB	SPB	SPB	SPB	—
inns,	SPB	—	SPB	SPB	SPB	SPB	SPB	—	SPB	—
bed & breakfast establishments,	—	SPB	—	SPB	SPB	SPB	SPB	SPB	—	SPB
assisted living or life care facility,	SPB	SPB	SPB	SPB	SPB	SPB	—	—	—	—
campground,	SPB	—	SPB	—	—	—	SPB	—	—	—
and mini-storage warehouses (Added 10/15/01 STM; 2/19/02 AG)	—	—	—	—	SPB	SPB	SPB	SPB	SPB	SPB
use related to agriculture, aquaculture, floriculture, horticulture, silviculture or viticulture (Added 10/26/10 STM; 2/24/11 AG)	SPB	—	SPB	—	—	—	SPB	SPB	—	SPB

TABLE OF USE REGULATIONS (cont.)										
ACCESSORY USE	**DISTRICT**									
(cont'd)	**RRA[16]**	**RRB[16]**	**RRC[16]**	**IR[16]**	**GB[16]**	**CB[16]**	**HB[16]**	**PC[16]**	**I[16]**	**LI[16]**
Formula fast food establishments which provide seating for at least sixteen persons within the building (Added 10/19/09 STM, 2/16/10 AG)	—	—	—	—	—	SPB[21]	—	—	—	—
Non-commercial wind energy conversion system (Added 10/15/07 STM; 1/23/08 AG)	SPB[26]	SPB[26]	SPB[26]	SPB[26]	SPB[26]	SPB[26]	SPB[26]	SPB[26]	SPB[26]	SPB[26]
Research offices or establishments devoted to research and development activities (Added 10/20/08 STM; 1/28/09 AG)	SBA[27]	SBA[27]	SBA[27]	SBA[27]	SBA[27]	SBA[27]	SBA[27]	SBA[27]	SBA[27]	SBA[27]
Outdoor hydronic heaters (Added 10/20/08 STM; 1/28/09 AG)	SBA[28]	SBA[28]	SBA[28]	SBA[28]	SBA[28]	SBA[28]	SBA[28]	SBA[28]	SBA[28]	SBA[28]

(Columns RRC, PC, and LI added 10/22/90 Special Town Meeting; approved Attorney General 1/14/91) (Column HB added 10/19/93 Special Town Meeting; approved Attorney General on 2/3/94) (Columns GB and CB added 10/20/03 Special Town Meeting; approved Attorney General 1/22/04)

FOOTNOTES TO USE REGULATIONS

1. Only where justified by a personal emergency and for a maximum period of one year except that the Zoning Board of Appeals by special permit may extend period by up to one additional year, if it determines that special circumstances warrant such extension. In such cases the Zoning Board of Appeals may also grant the special permit for noncompliance with dimensional and density regulations of this bylaw. Suitable guarantee shall be provided to the Town for the prompt removal after termination of any special permit. Travel or camping trailers or self-contained mobile homes may be parked on the owner's premises and be exempt from the provisions of this section, provided that they are not used for living purposes for more than two weeks in any calendar year and provided that mobility use is maintained and certified by valid attached registration plates. (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

2. Day care or school age child care program as defined in G.L. Ch. 15D, Section 1A provided all principal and accessory buildings occupy not more than fifteen (15) percent of the total lot on which said use is located; if said use is an accessory use, there shall be located on the same lot not less than one hundred (100) square feet of play area for each child; the activities associated with the use shall be suitably screened from adjoining properties by a solid fence erected in conformance with footnote 17 to the Table of Dimensional and Density Regulations in Section VI.B. of this bylaw, and be effectively controlled so as not to provide a nuisance because of noise, traffic, or other conditions which may become objectionable to the surrounding neighborhood. (Amended by 10/20/97 and 10/19/09 Special Town Meeting; approved by Attorney General 2/10/98 and 2/16/10)

3. Recreation facility open to the public or operated by a club, limited to a park, golf course, marina, archery or target range, yacht club, hunting reserve, provided it shall not include any structure other than a clubhouse, swimming pool, and rest rooms. No structure shall be less than three hundred (300) feet from any dwelling. Exterior lighting shall be limited to the minimum required for safe access and egress.

4. Provided the entire establishment so used shall occupy a building or buildings not more than two thousand five hundred (2,500) square feet in gross floor area; no storage of materials, packing crates, refuse, or other facilities used for the display of produce shall be maintained outside of an enclosed building; and it shall be set back at least fifty (50) feet from any street lot line, except for lots abutting Route One in the Limited Industrial District, in which case the setback shall be at least one hundred (100) feet from such highway. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

5. Provided all animals are enclosed in pens or in structures and all buildings for such uses are located not less than one hundred (100) feet from a street line, or not less than one hundred fifty (150) feet from a structure used as a dwelling on another lot.

6. Having a maximum gross floor area of two thousand (2,000) square feet.

7. Provided that either during the months of June, July August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, twenty-five (25%) percent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least twenty-five (25%) percent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional fifty (50%) percent of such products for sale, based upon either gross annual sales or annual volume, have been produced on Massachusetts land used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities shall be allowed by right on parcels of less than five acres but no less than two acres in size, provided that the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least $1,000 per acre based on gross sales dollars. If the above requirements cannot be satisfied, the use may be allowed only by special permit of the Zoning

Board of Appeals, although in no instance shall the ZBA approve a use that generates annually less than $1,000 per acre (based on gross sales dollars) from products grown on the property, and provided that the ZBA finds that said use meets the general intent of this footnote 7. (Amended by 10/20/08, 10/19/09 and 10/17/11 Special Town Meeting; approved by Attorney General 1/28/09; 2/16/10 and 2/2/12)

8. Provided it shall be screened from outside view by an enclosed solid fence and gate at least ten (10) feet in height, erected in conformance with footnote 19 below, or a solid wall of evergreens, when planted not more than eighteen (18) inches apart and at least three (3) feet in height. (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

9. Subject to the requirements of IX.L. of this zoning bylaw. (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

10. Provided that all such special permits shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holders, and shall be limited to a reasonable length of time. These provisions shall not apply to motor vehicles which are designed and used for farming purposes.

11. Provided that all principal and accessory buildings occupy not more than fifteen (15) percent of the lot on which said use is located; outdoor activities associated with the use are suitably screened from adjoining properties by a solid fence erected in conformance with footnote 19 below, and are effectively controlled so as not to provide a nuisance because of noise, traffic or other conditions which may become objectionable to the surrounding neighborhood; and that there is no more than one (1) nonresident employee nor more than a total of two (2) instructors engaged in the program. (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

12. "Storage Trailers, Temporary Use" shall refer to use which is incidental to a temporary situation; i.e., a construction project, temporary storage of goods and materiel following a fire or other calamity. The Building Inspector shall issue a permit for such a temporary use. In no event shall the temporary use exceed twelve (12) months after the issuance of the permit. "Storage Trailers, Permanent Use" shall refer to all other uses of storage trailers for the express purpose of keeping and maintaining goods or material. (Amended by 4/4/88 Annual Town Meeting; approved by Attorney General 6/10/99)

13. Provided each in-ground swimming pool and above-ground pool with a rim less than four feet in height shall be furnished with a four-foot high fence fully surrounding the perimeter of the lot, or of the pool, or of a portion of the lot which fully surrounds the pool, with a gate having a latch which meets the requirements for a semi-public or public pool as specified in the State Building Code. The required fence shall be erected in conformance with footnote 19 below. (Amended by 4/7/86 Annual Town Meeting; approved by Attorney General on 5/16/86) (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

14. Provided that no more than 50% of the gross floor area of a building of two stories and no more than 33% of the gross floor area of a building of three stories within one lot is used for said use and that said use is limited to the first floor of any building. However, in no instance shall the gross floor area of a building or buildings within a lot for said use be greater than 35,000 square feet. (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

15. Provided that no more than 5% of the gross floor area of a building within a lot is used for said use. (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

16. When a Site Plan Review is required per Section X. of this bylaw and a use is subject to special permit approval, the special permit granting authority (SPGA) shall be the Planning Board, notwithstanding the SPGA designated in the Table of Uses. (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00) (Amended 10/18/04 STM; 1/27/05 AG) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

17. By Special Permit of the Board of Selectmen, a private individual, corporation, or other for-profit entity may be designated to manage and/or operate any of the above facilities on Town-owned land. (Added by 11/4/91 Special Town Meeting; approved by Attorney General 3/5/92)

18. Not more than one principal building per lot, except as allowed in multi-family residential developments and except for permitted uses in the IR and RRA Districts as provided in Section IX.P. (Added by 10/21/96 Special Town Meeting; approved by Attorney General 12/9/96) (Amended by 10/23/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/21/02 Special Town Meeting; approved by Attorney General 2/03/03) (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05) (Amended by 10/26/10 Special Town Meeting; approved by Attorney General on 2/24/11)

19. Residential units in an Assisted Living or Life Care Facility, regardless of whether they are single-family, two-family, or multi-family dwelling units, are subject to the same Inclusionary Housing Requirements that apply to multi-family residential developments, as described in Section IX.I.3.a. of this zoning bylaw. (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08) (Amended by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

20. Multi-family residential developments are subject to the Inclusionary Housing Requirements in Section IX. I. of this zoning bylaw. (Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98) (Amended by 10/21/02 Special Town Meeting; approved by Attorney General 2/03/03)

21. Only if pedestrian-oriented, evidenced by location of premises having no more than nine off-street parking spaces and having no drive-through facilities. (Added by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

22. Provided that such events are held on property at least one acre in size. Fairs, horse shows and similar events shall not continue for more than five (5) days; sports instructional programs shall not continue for more than forty-five (45) days. Events which do not conform to the provisions of this subsection may be authorized by the Planning Board by special permit. (Added by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01)

23. RESERVED (Previous footnote removed 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

24. Except that a personal consumer establishment shall not require a special permit if it is 1,000 square feet in size or less. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

25. The uses 'Inn' and 'Multi-family dwelling units' shall be allowed in the same building only by special permit from the Planning Board. (Added by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

26. Subject to the requirements of IX.M. of this zoning bylaw. (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

27. Provided that the use is accessory to a principal use that is permitted in the same district in which the accessory use is proposed. The accessory use need not be located on the same parcel as the principal use. (Added by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

28. Outdoor hydronic heaters shall not receive special permit approval unless it is been demonstrated to the special permit granting authority (SPGA) that they have satisfied all of the specifications and installation requirements described in the State Department of Environmental Protection's regulation 310 CMR 7.26(50). If an outdoor hydronic heater is proposed as part of a use requiring a special permit or site plan approval from the Planning Board, then the special permit authority shall be the Planning Board, notwithstanding the SPGA designated in the Table of Uses. (Added by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

29. If located on five (5) acres or more, then the use shall be allowed by right. For Kennels, the breeding, boarding, grooming, and training of dogs must be strictly limited to dogs owned by the owner/lessee of the land on which the facility is located (with an exception for the temporary boarding of breeding stock not owned by the owner/lessee of the land, but used for breeding with dogs owned by the owner/lessee of the land). (Added by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10; Amended by 10/17/11 Special Permit Meeting; approved by Attorney General 2/2/12)

30. Any expansion of or alteration to an existing two-family dwelling, a multi-family dwelling, or a multi-family residential development, whether said use is conforming or non-conforming, which creates one (1) or more additional residential dwelling units, shall require a special permit from the Planning Board. (Added by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10)

31. RESERVED

32. Except that for properties of five (5) acres or more, the keeping, raising and breeding of farm animals and insects is permitted, as is the sale of agricultural products, pursuant to the conditions of footnote 7 above. (Added by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10)

33. For properties of two (2) acres or more, the sale of agricultural products derived from these uses is permitted, pursuant to the conditions of footnote 7 above. (Added by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10) (Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

34. Retail establishments may also sell automotive fuels, lubricants and accessory items, including the sale of gasoline at pumps, but the latter only by special permit from the Planning Board, and only in the GB, HB, PC and I Districts. (Added by 10/19/09 Special Town Meeting; approved by AG 2/16/10)

35. This includes the manufacture of products associated with alternative and renewable energy. For the purposes of this subsection, alternative energies include combined heat and power, and electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations. Renewable energies include solar – photovoltaic (PV) and thermal, wind, biomass power conversion or thermal technologies including the manufacture of wood pellets, ultra low emissions high efficiency wood pellet boilers and furnaces, low impact hydro – electric and kinetic, ocean thermal, wave or tidal, geothermal, landfill gas, fuels cells that use renewable energy, and advanced biofuels. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

E. Lots Situated in More Than One District

Such lots shall be subject to the Use Regulations which apply to the Zoning District in which the development is occurring. In the case of developments which occur in more than one district, each part of the development shall be governed by the Use Regulations which apply to each such District.

VI. DIMENSIONAL AND DENSITY REGULATIONS

A. Applicability of Dimensional and Density Regulations

The regulations for each district pertaining to minimum lot area, minimum lot width, minimum lot frontage, minimum front setback, minimum side setback, minimum rear setback, maximum height of buildings, maximum number of stories, maximum building area, minimum open space, and other dimensional controls shall be as specified in this section and subject to the further provisions of this bylaw. Unless otherwise exempted elsewhere in this bylaw, all structures must comply with minimum setback distances, even if the structures do not require a building permit. (Amended by 10/17/93 Special Town Meeting; approved by Attorney General 1/11/94; Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

B. Table of Dimensional and Density Regulations

See table on accompanying pages (26-28) plus attached footnotes (pages 29-32), which is declared to be part of this bylaw.

C. Determination of Lot Areas

The lot, setback areas, or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this bylaw, nor may those areas include any property of which the ownership has been transferred subsequent to the effective date of this bylaw, if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made, except that this provision shall not apply to the part of the lot remaining after a taking or conveyance for a public purpose. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

D. Separation of Lots

Lots shall not be separated or transferred in ownership so as not to comply with the provisions of this bylaw; nevertheless, any lot on which more than one house existed at the time of the adoption of the Protective Zoning Bylaw may be divided and sold to separate owners and used with the minimum of non-conformance.

E. Screening Requirements

Screening shall be required in the minimum side and rear setbacks of any new wholesale, transportation, industrial, commercial or multi-family use in all districts. Screening shall consist of fencing and/or densely planted vegetation along the entirety of each side and rear lot line. Vegetative screening shall be at least ten (10) feet in width, except where a use abuts a Rural or Intown Residence district boundary, in which case it shall be twenty (20) feet along the district boundary. Low impact development integrated stormwater management practices, such as bioretention cells and vegetated swales, may be located within the vegetative screening setback areas, provided they are done so in a manner that does not prevent the screening from meeting the objective of providing a year-round vegetated buffer between properties. Where a lot is divided by a district boundary, use of the lot within another district may be used to comply with the rear and side screening requirements as set forth in this bylaw. Screening shall provide a year-round buffer between properties and, where plant materials are utilized, shall be species appropriate to the climate and terrain of the property. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

Except in the Limited Industrial District, by special permit, the Zoning Board of Appeals may approve alternative screening or alternative height, setback, or location thereof, unless the principal use is subject to special permit approval by the Planning Board, or is subject to site plan review, in which case said Planning Board may approve by special permit such alternative screening. In considering an alternative screening, the Zoning Board of Appeals or the Planning Board, as applicable, may consider approval of such alternative screening or approval of an alternative height, setback, or location thereof only if the applicant submits to said applicable Board a landscape plan prepared and stamped by a registered landscape architect. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

In the Planned Commercial and Limited Industrial Districts, a landscape and screening plan shall be provided for the entire site. The landscape plan shall provide for adequate screening as necessary from the street and abutting lots. Such screening shall consist of densely planted evergreen shrubs, trees, and/or berms which form an opaque barrier. (Added by 10/22/90 Special Town Meeting; approved by AG 1/14/91)

An existing natural screen on a lot having a non-conforming use (either principal or accessory) shall not be removed by the owner or occupant without a variance from the Board of Appeals.

F. Requirements for Accessory Buildings and Structures

An accessory building or structure may be located in accordance with the Table of Dimensional and Density Regulations (Accessory Buildings and Structures) and footnote 2 to said table. Accessory buildings and structures shall be located on the same lot as the principal building or use provided that not more than twenty-five (25) percent of a minimum lot area shall be so occupied and, further, that an accessory building or structure shall not be located less than five (5) feet from the principal building. Accessory buildings and structures are prohibited from having attached decks or porches or other similar structures unless the accessory building or structure is used for habitation, and provided that the deck or porch or other similar structure is no more than sixty-four (64) square feet in size and open to the sky. Except for buildings and structures used for agricultural purposes as defined by M.G. L., C.40A, s.3, accessory buildings and structures greater than 750 square feet in area or more than 25 feet in height, and located on lots less than five acres in size in the residential districts, shall be allowed only by special permit from the Zoning Board of Appeals, and only upon a finding that:

a. the proposed accessory structure satisfies the criteria for Special Permit as prescribed in Section XI.J.2., paragraphs a. and b. of this bylaw; and
b. the proposed accessory structure does not create a substantially greater burden for the Town or neighborhood than would an accessory structure under 750 square feet in area or under 25 feet in height. Considerations include:
    (1) Whether the traffic generation and/or parking needs associated with the proposed accessory structure would be detrimental to the surrounding neighborhood;

(2) Whether the proposed accessory structure requires extension or alteration of existing utilities that would otherwise be adequate for a smaller accessory structure;
(3) Whether the large size of the proposed accessory structure necessitates design, construction, or other physical features out of character for the district that could be avoided with a smaller accessory structure; and
(4) Whether the design of the proposed accessory structure, in terms of materials, proportions, height, architectural details and scale, is adequate to ensure that the large accessory structure preserves the character of the surrounding area and is compatible with the architectural design style of the principal building on the site; and
(5) Whether the proposed accessory structure produces or exacerbates any other impact that the SPGA deems a detriment to public health, safety, and welfare which could be avoided with a smaller accessory structure; and

c. the principal use to which the proposed structure will be accessory is permitted in the zoning district as a matter of right, as prescribed in Section V.D. TABLE OF USE REGULATIONS and the lot and principal structure conforms to all dimensional and density regulations of Section VI. of this zoning bylaw. Accessory structures that are tent-like, made of canvas or similar materials, and greater than 120 square feet in area, shall be allowed only by special permit from the Zoning Board of Appeals except for those structures that are for temporary purposes only. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/15/01 Special Town Meeting; approved by AG 2/19/02) (Amended by 10/18/04 Special Town Meeting; approved by AG 1/27/05) (Amended by 10/17/05 Special Town Meeting; approved by AG 12/12/05) (Amended by 10/16/06 Special Town Meeting; approved by AG 1/4/07) (Amended by 10/20/08 Special Town Meeting; approved by AG 1/28/09) (Amended 10/19/09 Special Town Meeting; approved by AG 2/16/10)

By special permit of the Zoning Board of Appeals, in the Rural Residence B District, accessory buildings and/or structures not in excess of one hundred twenty (120) square feet may be located not less than one-half the side and/or rear setback requirement(s) for accessory buildings or structures within the district. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

An accessory building or structure attached to its principal building shall be considered an integral part thereof. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

G. Other General Dimensional and Density Requirements

1. Nothing herein shall prevent the projection of cornices, pediments, or eaves not exceeding twenty-four (24) inches, or of uncovered steps, chimneys, pavings, or windowsills into any required setback or other open space. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

2. The maximum building height for buildings and structures is three (3) stories, not to exceed forty-five feet, with the following exceptions: (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

a. Silos, wind energy conversion systems, churches, standpipes, spires, domes, steeples, chimneys, radio and radar towers, and similar structures shall have a maximum height of seventy-five (75) feet, except that a greater height may be allowed by special permit from the Planning Board; (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

b. Broadcasting and television antennae, bulkheads, cooling towers, ventilators, mechanical systems, and other appurtenances usually carried about the roof and not in any manner used for human occupancy may have a height up to 15% greater than the applicable height limitation of this section;

c. The maximum height of a wireless communications facility is established by IX.G.3. of this zoning bylaw;

d. In the RRB District, the maximum building height for principal structures is two (2) stories, not to exceed twenty-five (25) feet, and the maximum building height for accessory structures shall not exceed eighteen (18) feet. Any appurtenance or structure that is not necessary for the use and operation of a residence is limited to a height of 25 feet, except that a greater height may be allowed by a special permit from the Planning Board. (Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12);

e. In the IR, RRA and RRC Districts, the maximum building height is three (3) stories, not to exceed thirty-seven (37) feet, except that in the IR District, by Planning Board special permit, the height may be increased to no more than 45 feet;

f. In the CB District, by special permit, the Planning Board may allow a four story building, provided that the building height does not exceed forty-five feet.

3. On a corner lot in any district except the Central Business or General Business District, no sign, fence, wall, tree, hedge, or other vegetation, building, or other structure shall be erected, placed, and/or maintained between a height of three (3) feet and eight (8) feet above the street grade at the centerline, within the area formed by the intersection of the street lines and a straight line joining said street lines at points which are twenty (20) feet distant from the point of intersection of ways or tangents of curves or rounded curves, measured along said street lines. (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

4. Lots lying in an IR or RRA/RRB/RRC District shall not be narrower than fifty (50) feet or one hundred twenty-five feet, respectively, between side lot lines at any point between the frontage street and the front side of the principal building. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/18/04 Special Town Meeting; approved by AG 1/27/05) (Amended by 10/20/08 Special Town Meeting; approved by AG 1/28/09)

5. If a lot is bounded by more than one street, any one of said streets, but only one, may be designated as the frontage street, provided said designated street meets the requirements for minimum lot frontage set forth in this bylaw. The designation of the frontage street is subject to the approval of the Building Inspector. Once a frontage street has been designated, it shall retain such designation permanently. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94) (Amended by 10/21/02 Special Town Meeting; approved by Attorney General 2/03/03) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

H. Lots Situated in More Than One District

Such lots shall be subject to the Dimensional and Density Regulations which apply to the Zoning District in which the development is proposed, provided, however, if such development is proposed to be located on portions of the lot situated in more than one Zoning District and if the conditions of Footnote 8 of the Table of Dimensional and Density Regulations are met, then the provisions of said Footnote 8 may be utilized. (Amended by 10/18/93 Special Town Meeting; approved by Attorney General 2/3/94)

I. Frontage Exception for Larger Lots

1. Notwithstanding the dimensional requirements set forth in this Section VI., a lot in an RRA District need not have the specified amount of street frontage provided that:

a. The area of the lot is at least three times the minimum area required.

b. The lot has a minimum street frontage of not less than fifty (50') feet.

c. The lot is not narrower than fifty (50') feet between side lot lines at any point between the frontage street and the site of the building. In no instance, however, shall the depth of said portion of the lot be greater than five hundred (500') feet.

d. The building setbacks are fifty (50%) percent greater than otherwise required in the RRA District. The building setbacks shall be measured from the property lines of that portion of the lot which complies with the lot width requirement established in subsection G., Paragraph 4 of this Section VI. (Amended by 10/20/97 Special Town Meeting; approved by AG 2/10/98)

e. There is not more than one other such lot contiguous to any portion of the lot. (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

2. Any lot laid out under the provisions of this subsection "I." shall:

a. not be further subdivided without approval of a definitive subdivision plan; and

b. require a special permit from the Planning Board if it is located within one thousand (1000) feet of two or more lots created under this subsection "I." The Planning Board shall only issue a special permit if it finds that the addition of a lot created under this subsection:

(1) is sufficiently separated from other such lots; and
(2) is preferable to the alternative methods of developing the site. (Paragraph 2 amended by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99)

(Section I. added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94)

TABLE OF DIMENSIONAL AND DENSITY REGULATIONS
PRINCIPAL BUILDINGS AND STRUCTURES

District	Use	Min. Lot Area (Sq. Ft.)[23]	Min. Lot Width (foot)	Min. Lot frontage (foot)	Minimum Setbacks			Expressed as % of lot area		
					Front[1,2,7] (foot)	Side[2,7,] (foot)	Rear [2,7,] (foot)	Max. bldg. Area (%)[20]	Max. floor area (%)	Min. open space (%)
Rural Residence (RRA & RRC) (Amended 10/15/01 STM, AG 2/19/02)	Single-family, detached (Amended 10/22/90 STM, AG 1/14/91) (Amended 10/15/01 STM, AG 2/19/02)	87,120[25]	175[22]	150[22]	50[12]	40[12]	30[12]	20	—	50
	Single-family, attached (Amended 10/22/90 STM, AG 1/14/91) (Amended 10/15/01 STM, AG 2/19/02)	See ∋ IX.A.[25]	20	20	20[12]	None[4,12]	20[12]	See ∋ IX.A.	—	See ∋ IX.A.
	Single-family, detached (Amended 10/22/90 STM, AG 1/14/91) (Amended 10/15/01 STM, AG 2/19/02)	43,560[26]	175[22]	150[22]	50[12]	40[12]	30[12]	20	—	50
	Single-family, attached (Amended 10/22/90 STM, AG 1/14/91) (Amended 10/15/01 STM, AG 2/19/02)	See ∋ IX.A.[26]	20	20	20[12]	None[4,12]	20[12]	See ∋ IX.A.	—	See ∋ IX.A.
	Two-family (Amended 10/18/04 STM, AG 1/27/05)	130,680	250	150	50	40	30	20	—	50
	Open Space Preservation zoning	See ∋ IX.A.[25]	—	—	—	—	—	—	—	—
	All other permitted uses (Amended 4/7/86 TM, AG 5/13/86)	87,120	175[22]	150[22]	50	40	30	20		50
Rural Residence (RRB[18]) (Amended 10/15/01 STM, AG 2/19/02)	Single-family, detached (Amended 10/22/90 STM, AG 1/14/91) (Amended 10/15/01 STM, AG 2/19/02)	87,120[25]	175[22]	150	20	20[19]	20[19]	20	30[21]	50
	Single-family, attached (Amended 10/22/90 STM, AG 1/14/91) (Amended 10/15/01 STM, AG 2/19/02)	See ∋ IX.A.[25]	—	—	—	—	—	—	—[21]	—
	Single-family, detached (Amended 10/22/90 STM, AG 1/14/91) (Amended 10/15/01 STM, AG 2/19/02)	43,560[26]	175[22]	150	20	20[19]	20[19]	20	30[21]	50
	Single-family, attached (Amended 10/22/90 STM, AG 1/14/91) (Amended 10/15/01 STM, AG 2/19/02)	See ∋ IX.A.[26]	20	20	20[12]	None[4,12]	20[12]	See ∋ IX.A.	—[21]	See ∋ IX.A.
	Two-family (Added 10/16/06 STM, AG 1/04/07)	130,680	250	150	50	40	30	20	—	50
	All other permitted uses (Amended 10/17/11 STM, AG 2/2/12)	87,120[25]	175[22]	150	20	20[19]	20[19]	20	30[21]	50
Intown Residence	Single-family, detached	10,000[28]	90	50	20	10	20	40	—	30
	Two-family (Amended 10/18/04 STM, AG 1/27/05)	12,000	90	50	20	10	20	40	—	30
	Multi-family, Multi-family Residential Development (Amended 4/6/87, AG 8/24/87) (Amended 10/17/05, AG 12/12/05)	9,000 for first dwel-ling unit + 5,000 per DU there-after[11]	90	50	20	10	20	40	—	30
	All other permitted uses	8,000	90	50	20	10	20	40	—	30
Central Business (CB)[9] (Added 10/20/03 STM; 1/22/04 AG)	Multi-family, Multi-family Residential Development (Amended 10/17/05, AG 12/12/05)	5,000 for first dwelling unit + 2,500/DU thereafter up to 6 units; 5,000/DU each unit over 6[11]	50	50	0[24]	10[5]	20	80	—	5

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

District	Use	Min. Lot Area (Sq. Ft.)[23]	Min. Lot Width (foot)	Min. Lot frontage (foot)	Minimum Setbacks			Expressed as % of lot area		
					Front [1,2,7] (foot)	Side [2,7] (foot)	Rear [2,7] (foot)	Max. bldg. Area (%)	Max. floor area (%)	Min. open space (%)
Central Business (CB)[9] (cont'd) (Added 10/20/03 STM; 1/22/04 AG)	Mixed Res'dntl/business use (Amended 10/16/06, AG 1/4/07)	3,000 for first dwelling unit + 2,000/DU thereafter[11,30]	50	50	0[24]	10[5]	20	80	—	5
	All other permitted uses	5,000	50	50	0[24]	10[5]	20	80	—	5
General Business (GB) (Added 10/20/03 STM; 1/22/04 AG)	Multi-family, Multi-family Residential Development (Amended 10/17/05, AG 12/12/05)	5,000 for first dwelling unit + 2,500/DU thereafter up to 6 units; 5,000/DU each unit over 6[11]	50	50	10[29]	10[5]	20	80	—	5
	Mixed Res'dntl/business use (Amended 10/16/06, AG 1/4/07)	3,000 for first dwelling unit + 2,000/DU thereafter[11,30]	50	50	10[29]	10[5]	20	80	—	5
	All other permitted uses	5,000	50	50	10[29]	10[5]	20	80	—	5
Highway Business (HB)[16]	Multi-family, Multi-family Residential Development (Amended 10/17/05 and 10/19/09, AG 12/12/05 and 2/16/10)	25,000 for first dwelling unit+ 5,000/DU thereafter	125	100	50	20	30	30	—	50
	All other permitted uses (Amended 10/23/95 STM, AG 1/29/96) (Amended 10/20/97 ATM, AG 2/10/98)	20,000	125	100	50	20	30	40	—	15
Planned Commercial[31] (Amended 10/15/07 STM; 1/23/08 AG)	Commercial, wholesale	87,120	170	70	50[13]	25[13]	50[13]	45	—	30
	Transportation, & Industrial	87,120	170	50	50[13]	25[13]	50[13]	15	—	40
	All other permitted uses ([13] added 10/22/90 STM, AG 1/14/91)	87,120	170	50	50[13]	25[13]	50[13]	15	—	40

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

District	Use	Min. Lot Area (Sq. Ft.)[23]	Min. Lot Width (foot)	Min. Lot frontage (foot)	Minimum Setbacks			Expressed as % of lot area		
					Front [1,2,7] (foot)	Side [2,7] (foot)	Rear [2,7] (foot)	Max. bldg. Area (%)	Max. floor area (%)	Min. open space (%)
Industrial	Commercial, wholesale	25,000	150	70	50[6]	25	50	50	—	20
	Transportation, & industrial	43,560	190	70	50[6]	25	50	50	—	20
	All other permitted uses	43,560	190	50	50[6]	25	50	15	—	40
Limited Industrial	Wholesale, transportation, & industrial	87,120	190	70	50[14,15]	25[14]	50[14]	40	—	30
	All other permitted uses (added 10/17/92 STM, AG 1/11/93)	87,120	190	70	50[14,15]	25[14]	50[14]	15	—	40

TABLE OF DIMENSIONAL AND DENSITY REGULATIONS
ACCESSORY BUILDINGS AND STRUCTURES

District	Use	Minimum Setbacks		
		Front [1,2,7] (foot)	Side [2,7] (foot)	Rear [2,7] (foot)
Rural Residence (RRA & RRC)	Accessory buildings & structures[17] (Added 10/17/92 STM, AG 1/11/93)	50	20[27]	15[27]
Rural Residence (RRB[18])	Accessory buildings & structures[17] (Added 10/17/92 STM, AG 1/11/93)	10	10[18, 27]	10[18, 27]
Intown Residence	Accessory buildings & structures[17] (Added 10/17/92 STM, AG 1/11/93)	20	5	10
Central Business (CB) (Added 10/20/03 STM, AG 1/22/04)	Accessory buildings & structures[17] (Added 10/20/03 STM, AG 1/22/04)	35	5	10
General Business (GB) (Added 10/20/03 STM, AG 1/22/04)	Accessory buildings & structures[17] (Added 10/20/03 STM, AG 1/22/04)	35	5	10
Planned Commercial (PC)	Accessory buildings & structures[17] (Added 10/17/92 STM, AG 1/11/93)	50[13]	12.5[13]	25[13]
Industrial (I)	Accessory buildings & structures[17] (Added 10/17/92 STM, AG 1/11/93)	50[6]	12.5	25
Limited Industrial (LI)	Accessory buildings & structures[17] (Added 10/17/92 STM, AG 1/11/93)	50[14,15]	12.5[14]	25[14]
Highway Business (HB)	Accessory buildings & structures[17] (Added 10/18/99 STM, AG 1/05/00)	50	10	12.5

FOOTNOTES TO TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

1. Except in the Rural Residence C, the Planned Commercial, and the Limited Industrial Districts, no building in any district need have a front setback greater than the front setback of the principal building(s) existing on the premises as of the effective date of this provision, or the average front setback of the principal buildings on abutting lots within 250 feet of each lot line facing the same street and located within the same area or district, whichever is less restrictive. In determining such average, a vacant lot having a frontage of at least eighty (80) feet shall be considered to have a front setback conforming to the requirements of this bylaw. (Amended by 10/22/90 STM; approved by AG 1/14/91) (Amended by 10/26/2010 STM; approved by AG 2/24/11)

2. Except with respect to principal structures in the Rural Residence B District, in the specific case of an irregular, narrow, or shallow lot or a lot unusual either in shape or topography, or a lot on which an existing building became non-conforming by the adoption of this bylaw, the Zoning Board of Appeals may reduce by special permit the side and rear setback requirements up to a maximum of 50%. The Board may reduce by special permit the front setback requirement for all buildings and structures up to a maximum of 10%, except for accessory buildings or structures exceeding one hundred and fifty (150) square feet in area or one (1) story in height. (Amended by 10/17/92 STM; approved by AG 1/11/93) (Amended by 10/18/04 STM; approved by AG 1/27/05) (Amended by 10/19/09 STM; approved by AG 2/16/10)

3. (Reserved)

4. For all lots, except end lots; for end lots there shall be a minimum side width of ten (10) feet.

5. Side setback may be eliminated when party-wall construction will provide continuous building frontage.

6. Providing a minimum of ten (10) feet measured from the street shall be planted open space with the exception of the access drive.

7. The Zoning Board of Appeals may reduce by special permit the minimum setback requirements for non-habitable solar energy collection apparatus up to a maximum of fifty percent (50%) of any such requirement.

8. If a lot is divided by the boundary line between two underlying Zoning Districts, and an active use is proposed for that portion of the lot which is located in the less restrictive underlying Zoning District, the area of the lot within the more restrictive District may be included in fulfilling dimensional and density regulations for the proposed active use, provided that the actual use of that portion of the lot which is located in the more restrictive District is proposed to be passive in nature. (Amended by 10/18/93 Special Town Meeting; approved by Attorney General 2/3/94)

9. In the case of a lot which is located within that portion of the Central Business (CB) District described in this footnote number 9 and which is an irregular, narrow or shallow lot, or a lot unusual either in shape or topography, or a lot on which an existing building is non-conforming, in the reasonable judgment of the Planning Board, the Planning Board may, at its discretion, by special permit, further reduce lot area, lot width, lot frontage, front, side and rear setbacks, building area, and/or open space if in the reasonable judgment of the Planning Board said reduction(s) is (are) consistent with the purpose of this bylaw. The boundaries of said portion of the Central Business (CB) District shall follow the center line of the street; beginning on the center line of South Main Street at Choate Bridge; thence westerly along South Main Street, Market Square and Central Street to Hammatt Street; thence Southerly along Hammatt Street to Washington Street; thence Easterly on Washington Street to Depot Square; thence Northerly on Market Street about two hundred (200') feet to a point opposite the Southerly property line of land now or formerly of John H. Levere (Assessor's Map 42A, Lot 200); thence Easterly along the Southerly property line of land now or formerly of Daniel D. and Kenneth F. Gibbon (Assessor's Map 42A, Lot 185) to the channel of the Ipswich River; thence Northerly on the channel of the Ipswich River to the centerline of South Main Street on Choate Bridge; all as designated on an amended map on file in the office of the Town Clerk. (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

10. (Reserved)

11. The number of dwelling units obtained by this requirement may be increased by special permit of the Planning Board if the Planning Board determines that the multi-family dwelling shall provide significant public benefit to the Town. Public benefit shall mean affordable housing as defined in IX.I. of this bylaw, hospice, or public recreational facilities. Under no circumstances shall the Planning Board waive the density and dimensional requirements to exceed 5,000 square feet plus 2,000 square feet per unit in overall density for multi-family, and 3,000 square feet plus 1,500 square feet in overall density for mixed residential/business use. (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

12. Provided that a minimum of fifty (50) feet measured from the property line abutting Route One shall be landscaped with trees of a minimum caliper of 3.5 inches and a minimum density within the fifty foot buffer of one tree per one hundred (100) square feet in accordance with a landscape plan approved by the Planning Board. No active recreational uses, such as tennis courts or swimming pools, shall be permitted within the fifty (50) foot landscaped setback. (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

13. Provided that a minimum of twenty (20) feet measured from the property line abutting Route One shall be landscaped with trees of a minimum caliper of three and one half (3.5) inches and a minimum density within the twenty foot (20) buffer of one (1) tree per one hundred (100) square feet in accordance with a landscape plan approved by the Planning Board. (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

14. The setback from Route One, whether a front, side, or rear setback, shall be minimum of one hundred (100) feet. (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

15. Provided that a minimum of fifty (50) feet measured from the property line abutting Route One shall be landscaped with trees of a minimum caliper of three and one half (3.5) inches and a minimum density within this fifty (50) foot buffer of one tree per one hundred (100) square feet in accordance with a landscape plan approved by the Planning Board. (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

16. Exclusive of access and/or egress points from the site, the first ten (10) feet of the front yard setback as measured from the street line, as defined by this bylaw, shall be landscaped with plant materials to improve the visual appearance of the property, without reducing the visibility at points of access or egress from the site. The landscaping plan is subject to the approval of the Planning Board as part of the site plan approval process as defined in Section X. of this bylaw. (Added by 10/23/95 Special Town Meeting; approved by Attorney General 1/29/96)

17. The following shall be exempt from the provisions of this Section: mailboxes, yard light-posts, flagpoles, birdhouses, retaining walls, arbors, trellises, signs, sculptures, permanently affixed playground and picnic equipment, driveways, sidewalks, clotheslines, clothes poles, and landscaping features. Fences or walls are also exempt from the setbacks established in this Section, subject to the following requirements: (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

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.

d. All applications for fence installation shall include a plot plan showing the location of the proposed fencing.

18. The provisions of this Subsection shall not apply to the alteration, reconstruction, extension, or structural change to a single or two-family residential structure lawfully in existence at the time of enactment of this amendment under the following circumstances:

a. The proposed changes comply with the height restriction; and

b. The proposed changes comply with the requirement for maximum building area, or, if they do not comply, the proposed changes do not result in an increase in building area on the lot; and

c. The proposed changes comply with the requirements for maximum floor area, or, if they do not comply, the proposed changes do not result in an increase in floor area on the lot; and

d. The proposed changes comply with the requirements for minimum open space, or, if they do not comply, the proposed changes do not result in a decrease in the open space on the lot; and

e. The proposed changes comply with the setback requirements, or, if they do not comply, the proposed changes do not result in a decrease in the distance between any lot line and the nearest point of the structure; and

f. Proposed changes to enlarge the structure do not prevent compliance with regulations governing the repair, expansion or replacement of septic systems, or with any other applicable laws or regulations.

For the purposes of this bylaw, an alteration, reconstruction, extension or structural change meeting the criteria set forth in this footnote is not deemed to increase the non-conforming nature of the structure, and is allowable as a matter of right. (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

19. Temporary accessory buildings, such as temporary tents and screenhouses, are permitted in the rear and side setbacks, not less than ten (10) feet from any lot line, from May 15 to September 30 of each year; except that the provisions of Footnote #2 of this Table may not be used further to reduce a setback to a distance less than that otherwise permitted under the provisions of this Footnote 19. (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

20. The calculation of building area shall not include temporary structures or buildings, such as temporary tents and screen houses. (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

21. When calculating the maximum floor area, the following shall apply: (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

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

b. In the case of rooms with high ceilings where the height is sufficient to construct two (2) habitable floors under the current standards of the Massachusetts Building Code, the floor area shall be calculated as that which could be allowable under the current Building Code standards.

22. This requirement shall apply to lots laid out after August 25, 1994. (Added by 10/17/94 Special Town Meeting; approved by Attorney General 12/6/94) Lots laid out prior to that date shall provide a minimum lot frontage of fifty (50) feet and a minimum lot width of 190 feet, measured at the front setback. (Amended by 10/23/95 Special Town Meeting; approved by Attorney General 1/29/96)

23. To calculate area required for zoning compliance, refer to the definition of "Lot Area" in Section III. of this bylaw. (Added by 10/23/95 Special Town Meeting; approved by 1/29/96 by Attorney General)

24. All principal buildings constructed after September 1, 1996 shall be built to the front setback line unless granted an exception by a special permit from the Planning Board. (Added by 10/21/96 Special Town Meeting; approved by 12/9/96 by Attorney General)

25. If a residential development obtains a special permit, waiver or other local approval that increases the density or intensity of use beyond what is allowed by this requirement, said development shall conform to Section IX. I. (Inclusionary Housing Requirements). (Added by 10/23/01 Special Town Meeting; approved by Attorney General 2/19/02)

26. This requirement shall apply to: (a) all conforming lots in existence as of the effective date of this bylaw; and (b) all developments that fulfill the requirements of Section IX.I. (Inclusionary Housing Requirements) or are expressly exempted from said Section IX.I requirements because they create only one single-family detached or attached dwelling, provided that a suitable restriction is recorded at the Essex South Registry of Deeds prohibiting the creation of additional units on the lot(s). (Added by 10/23/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

27. No more than one storage shed, having a maximum floor area of 150 square feet, may be located not less than five (5) feet from side and rear lot lines. (Added by 10/23/01 Special Town Meeting; approved by Attorney General 2/19/02)

28. For lots held separately or combined with an adjoining lot or lots, which conform to the original subdivision layout, have at least 5,000 square feet of area and at least fifty feet of street frontage, and upon which no house has been built, the minimum square footage requirement for a detached single-family dwelling may be reduced by 50% by special permit from the Planning Board, provided that the proposed dwelling (a) does not exceed 2,000 square feet of floor area; (b) satisfies all of the dimensional requirements of the Intown Residence (IR) District, except that the minimum lot width and front yard setback requirements shall be fifty feet and ten feet, respectively; and (c) is made permanently affordable as defined in and accordance with IX.I. of this zoning bylaw. In lieu of making the dwelling unit permanently affordable, the applicant may pay a fee to the Town to provide affordable housing in Ipswich, in the amount of $50,000. The fee may be adjusted by the Planning Board from time to time by the issuance of guidelines or regulations, pursuant to paragraph 3.(2) in IX.I. For any lot located within a National Register Historic District, the Planning Board, in addition to applying the special permit general conditions described in XI.J. of this bylaw, shall review the special permit application in accordance with the following criterion: the proposed structure, in terms of design, setting, massing, scale, materials and setbacks, shall be consistent with the architectural character of the street within the historic district. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

29. A principal building may be constructed to a front setback of less than than ten (10) feet if granted an exception by Planning Board special permit. (Added by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

30. Provided that the lot upon which the mixed residential/business use is located is at least 5,000 square feet in area, no additional area is required for non-residential uses. (Added by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

31. In the PC District, for the purpose of minimizing curb cuts along Route One, the following performance standards shall apply: (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

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.

VII. OFF-STREET PARKING AND LOADING REGULATIONS

A. Purpose

The purpose of this section is to ensure that all uses are provided with sufficient off-street parking and loading facilities to meet the needs of persons employed at and/or utilizing such uses; to ensure that off-street parking and loading facilities are designed so as to reduce hazards to pedestrians and drivers; to reduce congestion in the streets; to reduce nuisance to abutters from noise, fumes and headlight glare; and to reduce environmental deterioration to surrounding neighborhoods resulting from glare, heat, dust, accelerated storm water run-off, and unattractive views.

B. Parking Requirements

Total automobile storage or parking space per principal use shall be provided in accordance with the formulae set forth in the following Table of Minimum Parking Requirements herein below:

TABLE OF MINIMUM PARKING REQUIREMENTS	
Residential Uses	**Required Parking Spaces ****
1. Residence	One and a half (1-1/2) spaces per dwelling unit.*
2. Bed & Breakfast Homes (Added 10/17/94 STM; approved by AG 12/6/94)	One space (1) per rental unit.
3. Dormitory, resident (Added 10/23/95 STM; approved by AG 1/29/96)	One space for every three (3) fraternity or sorority students.
4. Mobile home for temporary residency per dwelling unit (Added 10/21/96 STM; approved by AG 12/9/96)	One and one half (1½) spaces.
5. Assisted living or life care facility (Added 10/21/96 STM; approved by AG 12/9/96)	One and one half (1½) spaces per dwelling unit.
6. Temporary living facility (Added 10/21/96 STM; approved by AG 12/9/96)	One parking space per employee.
Community Facilities	**Required Parking Spaces ****
7. Church or other religious purpose (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space for every four (4) seats to maximum rated capacity.
8. Educational a. Nursery, Day care b. School	One (1) space per staff person plus One (1) space per classroom. One (1) space for each classroom plus one (1) space for each two employees or other staff positions other than teachers.
9. Town governmental building (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space for every 200 square feet used by the public, plus one (1) space for every 600 square feet not used by the public.

* For parking associated with dwelling units created pursuant to Section IX.J. (Accessory Apartments) of this zoning bylaw, the Zoning Board of Appeals may allow, as condition of its special permit approval, only one space per accessory apartment. (Amended by 10/20/08 Special Town Meeting; approved by AG 1/28/09)

**For parking associated with uses requiring a special permit, the Planning Board by special permit may reduce the required number of parking spaces by a maximum of fifty (50%) percent, based on a determination that the specific use requires fewer spaces than otherwise required by the general standard. (Added by 10/17/05 STM; approved by Attorney General 12/12/05) (Added by 10/19/09 STM; approved by Attorney General 5/17/10)

TABLE OF MINIMUM PARKING REQUIREMENTS (continued)	
Community Facilities (continued)	**Required Parking Spaces ****
10. Cemetery (including crematory) (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space for each employee on shift of maximum employment.
11. Town outdoor recreation facility and any other outdoor non-commercial recreation use such as private boat-houses or landings (Added 10/21/96 STM; approved by AG 12/9/96)	Two (2) spaces per acre or one (1) space per three (3) users at maximum utilization, whichever is greater.
12. Historical, philanthropic, or charitable association or society (community recreation centers and museums)	One (1) space per three hundred (300) feet of gross floor area on the ground floor area plus one (1) space per five hundred (500) square feet of gross floor area on all other floors.
13. Town power plant, wastewater treatment facility, water treatment plant, sludge composting facility, sanitary landfill, refuse incinerator, recycling center, transfer station, or any other treatment or waste related facility (Added 10/21/96 STM; approved by AG 12/9/96)	Two (2) spaces for every three (3) employees on shift of maximum employment.
14. Performing arts center	One (1) space for every four (4) seats to maximum rated capacity of the facility.
Commercial Uses	
15. Retail establishment selling convenience or general goods, as defined in Section V.D. -- Table of Use Regulations	One (1) space per three hundred (300) feet of gross floor area on the ground floor area plus one (1) space per five hundred (500) square feet of gross floor area on all other floors.
16. Eating and drinking places which provide seating for at least sixteen persons within the building, or formula fast food establishment. (Amended 10/18/99 STM; approved by AG 1/5/00)	One (1) space for each one hundred (100) square feet of gross floor area or one (1) space per three (3) seats rated to capacity, plus one (1) space per employee on the largest shift, whichever is greater.
17. Motor Vehicle, Trailer, Boat Sales and Rentals	One (1) space per fifteen hundred (1500) square feet of gross floor area of indoor space, plus one (1) space per employee on the largest shift.
18. Auto Service Station, Auto Body Shop	Three (3) spaces per repair bay, plus one (1) space per employee on largest shift, plus one (1) space per company vehicle kept on the premises.
19. Hotel, Motel	One space (1) per rental unit.
20. Inn	One space (1) per rental unit.
21. Bed and Breakfast Establishments*	One space (1) per rental unit.
22. Personal and consumer service establishment (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space per three hundred (300) square feet of gross floor area on the ground floor plus one (1) space per five hundred (500) square feet of gross floor area on all other floors.
23. Funeral Establishment	One (1) space per four (4) persons based on rated maximum capacity of facility.
24. Rest home, convalescent home, or nursing home for the elderly or infirm	One (1) space per two (2) beds.
25. Hospital, or medical or dental clinic	One (1) space per two (2) beds plus three (3) spaces per staff doctor plus one (1) space per other employee on the largest shift. One (1) space per two (2) beds.

* The Planning Board may reduce by special permit the required number of parking spaces up to a maximum of fifty percent (50%). (Added by 10/17/94 STM; approved by Attorney General 12/6/94)

**For parking associated with uses requiring a special permit, the Planning Board by special permit may reduce the required number of parking spaces by a maximum of fifty (50%) percent, based on a determination that the specific use requires fewer spaces than otherwise required by the general standard. (Added by 10/17/05 STM; approved by Attorney General 12/12/05) (Added by 10/19/09 STM; approved by Attorney General 5/17/10)

TABLE OF MINIMUM PARKING REQUIREMENTS (continued)	
Commercial Uses (continued)	**Required Parking Spaces ****
26. Membership club	One (1) space per four (4) persons to maxi-mum rated capacity of the facility if indoors; or one (1) space per four (4) persons generally expected on the premises at any one time if outdoors.
27. Miscellaneous professional and business offices and services	One (1) space per three hundred (300) square feet of gross floor area.
28. Miscellaneous professional and business repair services	One (1) space per employee on largest shift plus one (1) space for each company vehicle kept on the premises.
29. Motion picture establishment, indoor only (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space per four (4) seats.
30. Other amusement and recreation service indoor only (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space for each game table and one (1) space for each amusement device.
31. Country, fishing, tennis, boating, golfing, or similar club (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space per four (4) persons to maxi-mum rated capacity of the facility if indoors; or one (1) space per four (4) persons generally expected on the premises at any one time if outdoors.
32. Shopping center (Added 10/21/96 STM; approved by AG 12/9/96) (Amended 10/15/07 STM; approved by AG 1/23/08)	Four (4) spaces for every 1000 square feet of gross leasable floor area.
33. Golf Driving Range (Added 10/23/95 STM; approved 12/9/96 AG)	One (1) space per employee, plus one (1) space per tee.
34. Miniature Golf (Added 10/23/95 STM; approved 12/9/96 AG)	One (1) space per employee, plus one (1) space per hole.
35. Batting Cage (Added 10/23/95 STM; approved 12/9/96 AG)	One (1) space per employee, plus one (1) space per batting machine.
36. Mini-Storage Warehouses (Added 10/23/95 STM; approved 12/9/96 AG)	One (1) space per employee, plus one (1) space per 20,000 square feet of gross building area.
37. Campground (Added 10/23/95 STM; approved 12/9/96 AG)	One (1) space per employee, plus one (1) space per camp site.
38. Newspaper printing and job publishing (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space per employee on shift of maximum employment.
39. Research offices or establishments devoted to research and development (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space per employee on shift of maximum employment.
40. Car wash facility (Added 10/17/05 STM; approved by AG 12/12/05)	One (1) space per employee on the shift of maximum employment.
41. Gardens, greenhouses, orchards, nurseries, silviculture, viticulture, aquaculture, and farms, including the sale of products from such uses on a wholesale or retail basis (Amended 10/19/09 STM; approved by AG 2/16/10)	One (1) space per employee on shift of maximum employment or one (1) space per 300 square feet of sales floor area, whichever number is greater.

**For parking associated with uses requiring a special permit, the Planning Board by special permit may reduce the required number of parking spaces by a maximum of fifty (50%) percent, based on a determination that the specific use requires fewer spaces than otherwise required by the general standard. (Added by 10/17/05 STM; approved by Attorney General 12/12/05) (Added by 10/19/09 STM; approved by Attorney General 5/17/10)

TABLE OF MINIMUM PARKING REQUIREMENTS (continued)	
Commercial Uses (continued)	**Required Parking Spaces ****
42. Kennel, stable, livery stable, riding academy or veterinary hospital (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space per employee on shift of maximum employment or one (1) space per 300 square feet of customer service area, whichever number is greater, for kennel, stable, livery stable, or veterinary hospital. For riding academy, one (1) space per employee on shift of maximum employment or one (1) space per four students, whichever number is greater.
Wholesale, Transportation & Industrial Uses	**Required Parking Spaces****
43. Manufacturing and other industrial uses	One (1) space for every five hundred (500) square feet of gross floor area.
44. Bakery, laundry, or dry cleaning (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space for each 200 square feet of gross floor area used by the general public.
45. Bus and/or railroad passenger stations and any other passenger transportation services (Added 10/21/96 STM; approved by AG 12/9/96)	One (1) space for each 600 square feet of gross floor area.
46. Wholesale, Distribution and Storage in Enclosed Buildings and Warehouses	One (1) space for every one thousand (1000) sq. ft. of gross floor area for up to the first ten thousand (10,000) sq. ft. of gross floor area, plus one (1) space for every additional five thousand (5000) sq. ft. of gross floor area.
47. Open Storage, or other Open Area Uses	One (1) space for every one thousand (1000) sq. ft. of the lot devoted to the use thereon.

**For parking associated with uses requiring a special permit, the Planning Board by special permit may reduce the required number of parking spaces by a maximum of fifty (50%) percent, based on a determination that the specific use requires fewer spaces than otherwise required by the general standard. (Added by 10/17/05 STM; approved by Attorney General 12/12/05) (Added by 10/19/09 STM; approved by Attorney General 5/17/10)

C. Change of Use or Building Expansions

Where a structure is enlarged or a change in an existing use occurs, only the additional parking spaces required need comply with these formulae.

D. Accessory Use of Parking Areas

No parking space shall be used for any activity which interferes with its availability to meet the minimum 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, lighting fixtures for illuminating the parking area, and landscaping within buffer areas.

E. Joint Use of Parking Areas

By special permit of the Zoning Board of Appeals, joint use may be made of required parking spaces by intermittent use establishments such as churches, assembly halls, or theaters, whose peak parking demand does not conflict with that of the other use. An agreement shall be made in writing and acknowledged by the owner(s) of the uses involved concerning: the number of spaces involved; substantiation of the fact that such joint use is not overlapping or in conflict; and the duration of the agreement. The agreement must be presented with the petition for special permit.

F. Fractional Numbers

If the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

G. Mixed Use Facilities

Buildings or lots, which contain more than one principal use, are considered Mixed Use facilities. For the purposes of determining parking requirements for such a facility, parking for two (2) or more buildings or uses may be provided in combined parking facilities where such facilities will continue to be available for the several buildings or uses, provided that the total number of spaces is not less

than the sum of the spaces required for each use individually, except that said number of spaces may be reduced by up to one-half (1/2) such sum if it can be demonstrated that the hours or days of peak parking for the uses are so different that a lower total will be adequate for all uses served by the facility. (Amended by 10/19/09 STM; approved by Attorney General 5/17/10)

H. Location of Parking Facilities

All required parking or loading spaces shall be provided on the same lot as the use or building for which they are required; provided, however, that if sufficient spaces are unavailable on that lot, the Zoning Board of Appeals may authorize by special permit an alternative location for non-residential parking subject to the following provisions:

1. The lot to be utilized for parking shall be in the same legal ownership as the lot served either by deed, by easement, or by long-term lease, no less than thirty (30) years in duration. If the lot is leased, the terms of the lease shall be subject to the Zoning Board of Appeal's approval as to form and duration. Such deed, easement, or notice of lease shall be recorded at the Registry of Deeds, and a copy of the same as recorded shall be filed with and made part of the application for any building or occupancy permit.
2. The linear distance between the use or building lot and its parking lot shall not be more than three hundred (300) feet.
3. The separate parking lot shall not create unreasonable traffic congestion or create a hazard to pedestrians being served by the parking lot.
4. The parking lot shall be properly zoned for the same or a less restrictive use as the principal lot being served by the parking lot. Provided, however, in the case of lots situated in more than one district, not more than twenty (20) percent [or ten (10) spaces, whichever is the lesser] of the parking and loading spaces required for the use of the less restrictively zoned portion of the lot may be located in the more restrictively zoned portion of the lot, so long as the parking and loading spaces and any necessary drives or other paved areas do not extend more than fifty (50) feet into the more restrictively zoned parcel, and all other setbacks, screening, dimensional, density, and other requirements of this bylaw are complied with. (Amended by 10/18/93 Special Town Meeting; approved by Attorney General 2/3/94)

I. Municipal Parking Lot Exemption

Business uses need not provide off-street parking if they are located in the Central Business District or within 500 feet of either the municipally-owned parking spaces in the Market Street Parking Lot (identified as all or part of Lots #226, #228 and #235 on Assessor's Map 42A and Lot #298A on Assessor's Map 41B), or the Elm Street/South Main Street Municipal Parking Lot (identified as all or part of Lots #111, #113 and #114 on Assessor's Map 42A). (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

J. Loading Requirements

Minimum off-street loading requirements shall be required in accordance with the formulae set forth below for every new structure, new use, enlargement of an existing structure and/or change in an existing use. Where the structure is enlarged and/or there is a change in the existing use, the formulae shall apply only to the enlargement and/or change.

Off-street loading areas shall be provided in accordance with the TABLE OF LOADING REQUIREMENTS as outlined below:

TABLE OF LOADING REQUIREMENTS

Use	1,000 Square feet of Gross Floor Area				
	1-10	11-20	21-40	41-80	81 & over
Wholesale, Distribution, Storage & Industrial Uses*	1	1	2	3	Additional space per each increment of 40
Retail, Hotel, and Restaurant*	1	2	Additional space per each increment of 20		
Office, Institution and Public Buildings*	1	1	1	2	Additional space per each increment of 100
Residential Multi-family*	1	1	Additional space per each increment of 100		

* The Planning Board may approve by special permit an alternative to the above required number of loading spaces. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

K. Design Standards for Parking Facilities

The minimum dimensions of parking spaces and maneuvering aisles for all uses except detached single family and two family dwelling units on their own separate lots, shall be as follows: (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

Parking Angle (A)	Stall Width (B)**		Stall Depth (C)***		Aisle Width (D)		Curb Length (E)	
	Standard	Compact	Standard	Compact	1-way	2-way	Standard	Compact
0°	8’-6”	7’-6”	N/A	N/A	12’-0”	20’-0”	22’-0”	20’-0”
30°	8’-6”	7’-6”	17’-0”	15’-0”	11’-0”	N/A	17’-0”	15’-0”
45°	8’-6”	7’-6”	17’-0”	15’-0”	13’-0”	N/A	12’-0”	10’-7”
60°	8’-6”	7’-6”	17’-0”	15’-0”	16’-0”	N/A	9’-6”	8’-8”
70°	8’-6”	7’-6”	17’-0”	15’-0”	17’-0”	N/A	9’-1”	8’-0”
80°	8’-6”	7’-6”	17’-0”	15’-0”	18’-0”	N/A	8’-8”	7’-7”
90°	8’-6”	7’-6”	17’-0”	15’-0”	18’-0”	22’-0”	8’-6”	7’-6”

**End spaces, restricted on one of the long sides by curbs, walls, fences, or other similar obstructions, shall have a minimum width of ten (10) feet, and maneuvering space at the aisle end of at least five (5) feet in depth and nine (9) feet in width.

***May include no more than two (2) feet of landscaped island or setback area at the front of the space, provided there are not obstructions to the vehicle's bumper overhang and provided, further, that the bumper overhang does not interfere with the availability of the island or setback area for snow storage.

For parking facilities developed in conjunction with a development requiring site plan approval or a special permit, the Planning Board by special permit may reduce the above required dimensions or the dimensions listed in subsections L. and M. below, up to a maximum of twenty-five percent (25%), based on a determination that the special circumstances of the development permit a lesser standard than otherwise required. Compact spaces may account for up to thirty (30%) percent of the total spaces in a lot. The layout of standard and compact spaces and aisles should be done in such a way so that the smallest feasible paved parking area results. All compact spaces shall be clearly marked. (Added by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/19/09 and 10/17/11 Special Town Meeting; approved by Attorney General 5/17/10 and 2/2/12)

L. Loading Space Dimensions

Each loading space shall be at least twelve (12) feet in width by sixty (60) feet in length, and shall be provided with a fourteen (14) foot high clearance. This space shall be exclusive of drives, aisles, or maneuvering space.

M. Parking and Loading Layout

1. Circulation – Driveways and parking areas shall be designed with due regard to topography, integration with surrounding streets, general interior circulation and separation of pedestrian and vehicular traffic to reduce hazards to pedestrians and motorists.

2. Layout – Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. The Board may waive this requirement for parking facilities under full-time attendant supervision.

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

3. In no case shall surface parking or loading spaces be located less than ten (10) feet from any side or rear lot line excluding corner lots, as provided for under paragraph #4 below. (Amended by 10/17/05 STM; approved by Attorney General 12/12/05)

4. No parking of motor vehicles or driveway serving a parking or loading facility shall be located within thirty (30) feet of an intersection of two street lines.

5. Except in the Industrial, Limited Industrial, and Highway Business District, no off-street parking facility shall be located within the front setback. However, in the Highway Business (HB) District, the number of off-street parking spaces allowed in the front yard setback shall not exceed fifty (50) percent of the total off-street parking spaces required by this bylaw. (Amended by 10/23/95 Special Town Meeting; approved 1/29/96 Attorney General) Additionally, within the Limited Industrial District, no parking facilities shall be located within the required 50 foot landscaped setback from Route One. Further, within the Planned Commercial District, no parking facilities shall be allowed within the required twenty (20) foot landscaped setback from Route One; however, a maximum of fifteen percent (15%) of the total number of required parking spaces of a lot may be located within the remaining portion of the minimum setback from Route One not subject to landscape requirements. Also, except as noted above in this section, in the Planned Commercial, Limited Industrial and Rural Residence C Districts, in no instance shall any parking or loading be allowed in any of the minimum setback requirements or required open space. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93; further amended by 10/18/93 Special Town Meeting; approved by Attorney General 2/3/94)

N. Handicapped Parking

Parking facilities shall provide specially designed parking spaces for the physically handicapped in accordance with the Rules and Regulations of the Architectural Access Board of the Commonwealth of Massachusetts Department of Public Safety.

Handicapped spaces shall be clearly identified by signs indicating that the spaces are reserved for physically handicapped persons. Such spaces shall be located nearest to the handicapped entrance to the use or building served.

O. Surfacing, Drainage and Curbing

All parking facilities shall be graded, surfaced with non-erosive material, and drained in an adequate manner to prevent nuisance of erosion or excessive water flow across public ways or abutting properties. To reduce stormwater discharge and improve the attenuation of pollutants, low impact development integrated stormwater management practices, to the extent feasible, shall be incorporated into parking facilities of twenty (20) or more spaces. Techniques that limit the overall impervious coverage of the parking facility, such as replacement of bituminous concrete with pervious pavers or porous asphalt, are strongly encouraged where appropriate. For additional guidance on possible techniques, applicants should refer to the Ipswich General Bylaw entitled "Ipswich Stormwater Management Bylaw." (Amended by 10/15/07 STM; approved by Attorney General 1/23/08) (Amended by 10/19/09 STM; approved by Attorney General 5/17/10; Amended by 10/17/11 STM; approved by Attorney General 2/2/12)

Entrance and exit driveways shall be defined clearly with curbing, signs, and pavement markings. Parking and loading spaces shall be marked clearly in accordance with dimensions specified in subsections J, K, and M above.

P. Landscaping

In order to separate parking areas from abutting streets, to provide areas for disposal of snow, and to provide visual relief from expanses of pavement and vehicles, landscaping shall be provided in all parking areas containing ten (10) or more parking spaces. Said landscaping shall include the establishment of vegetative or structural buffers on the perimeter of all parking areas to prevent

direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties, and to provide the parking area with a reasonable measure of shade when trees reach maturity. Vegetative or structural buffers shall be no less than five (5) feet high. Buffers may be a hedge, wall, fence, berm or combination of these choices. The height of any buffer shall decrease where driveways approach sidewalks, walking paths, and streets in order to provide adequate visibility of pedestrians from motor vehicles and to maintain a clear line of sight for vehicles entering the roadway. At least ten (10%) percent of the internal area of a paved parking facility, exclusive of perimeter landscaping, shall be planted with landscaped island areas. To the extent feasible, landscaping materials used in islands or in the perimeter areas of parking lots shall be drought resistant and salt tolerant non-invasive species, and such areas shall be designed to receive and accommodate runoff. Landscaping shall be subject to the reasonable approval of the Planning Board, for all projects which require Site Plan Review approval or a Planning Board Special Permit. (Added by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Added by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

Q. Lighting

All lighting within parking areas shall be arranged so as to prevent direct glare upon any public way or upon any other abutting property. Lighting shall be provided, where desirable, to improve safety and visibility of the lot.

R. Maintenance

Parking and loading facilities and landscaping shall be continuously maintained in good condition to ensure continued compliance with the provisions of this section.

(Entire section amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

VIII. SIGNS

A. Purpose

The purpose of this bylaw is to regulate all exterior signs and all interior signs placed for exterior viewing from public ways and places but which are not located on Town property. It is also intended to limit clutter of uncontrolled signage, to integrate signs with Ipswich's unique and historic environment, and to improve the effectiveness of individual signs through emphasis on appropriate design.

B. Application

A sign, whether temporary or permanent, shall require a building permit and shall comply with the Massachusetts State Building Code, as amended. Signs associated with properties requiring special permit or site plan review approval shall also require approval by the special permit granting authority, or in the case of site plan approval, the Planning Board. Flags and temporary signs for political or charitable purposes, for public organizations, for states and political subdivisions thereof, and international and national flags are exempt from the provisions of this section, as are interpretative signs, provided that said signs, in the opinion of the building inspector, do not 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). Signs attached to trailers shall not be allowed; signs attached to vehicles shall not be allowed within fifty feet (50') of the street line. Signs shall not project above the roof or front parapet of a building. (Amended by 10/16/00 Special Town Meeting; approved 3/8/01 by Attorney General) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

C. Definitions

AREA OF SIGN: The area, including all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, the frame around the sign, and any "cut outs" or extensions, but not including any supporting structure or bracing. Calculation of sign areas shall use the following formulae:

1. For two-dimensional signs affixed to or fabricated from a mounting background or signboard: the area shall consist of the smallest rectangular plane that wholly contains the sign (*see diagram #1 on page 54)*.

2. For two-dimensional signs consisting of individual letters or symbols affixed directly to the building wall, window, or awning: the area shall consist of the smallest area enclosed by a series of straight lines connected at right angles which encompasses all of the letters and symbols (*see diagram #2 on page 54*).

3. For two-dimensional double-faced signs less than four (4) inches thick: use the area of one face as calculated under subparagraph #1 above.

4. For three-dimensional signs, double-faced signs greater than four (4) inches thick, objects used as signs, and "V" shaped signs: the area shall be determined by the largest of either the front or side projected view of the sign (*see diagram #3 on page 54*).

BRACKET: A device used to attach a sign to a building other than with screws or bolts.

CLEARANCE: A completely open and unobstructed space measured from the ground level to the lowest portion of a hanging sign. No less than ten feet (10') clearance shall be allowed when the sign is over a public way or area (*see diagram #4 on page 54*).

ILLUMINATION: The act of supplying or brightening a sign with light. Lighted signs shall be illuminated only by a steady, stationary light without causing harmful glare for motorists, pedestrians or neighboring premises. Sign illumination is permitted only between the hours of seven o'clock in the morning and eleven o'clock in the evening, except that signs may be illuminated during any hours establishments are open to the public. The sources of artificial light shall include: enclosed or protected neon (exposed illuminated neon shall not be allowed); and lighting from an exterior source(s) and/or internal lighting; but all flashing, changing, or intermittent illumination is prohibited, except for time/temperature signs and holiday decorations.

LINEAL FRONTAGE: The length in feet of a building or storefront which abuts a street or public right-of-way at its first floor or entrance level (*see diagram #5 on page 54*).

PROJECTION: To extend forward or out from a facade of a building. Signs shall project no more than five feet (5') from a building or two-thirds (2/3) of the width of the sidewalk, whichever is less (*see diagram #4 on page 54*).

SIGN: Any two or three dimensional fabrication, or assembly, including its supporting structure, consisting of any letter, figure, character, symbol, emblem, mark, design, pictorial representation, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, business, public performance, article, machine or merchandise whatsoever, and displayed in any manner for recognized identification or advertising purposes. "SIGNS" shall be divided into the following categories:

1. **Awning Sign:** Any sign painted, sewn or attached onto an awning. The area of an awning sign(s) shall not exceed one-half (0.5) square foot per foot of lineal frontage of the storefront or building upon which the awning is attached. Awnings shall conform to the Massachusetts State Building Code.

2. **Banner Sign:** Any sign constructed of fabric or flexible material. Pennants and flags are banner signs, except flags or pennants as exempted under Subsection B (Application). Banner signs may be used as permanent and temporary signs. A permanent banner sign shall not exceed fifteen (15) square feet in size.

3. **Directory Sign:** Any sign which contains listings of two or more commercial uses or users. A directory sign shall be designed and constructed with provisions for changes of listing without reconstruction of the entire sign.

4. **Free-standing Sign:** Any sign structurally separate from the building, being supported on itself, on a standard, or on legs. Free-standing signs shall be non-moveable and permanently anchored.

5. **Hanging Sign:** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade or marquee sign. (Added by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

6. **Off-Premises Sign**: Any sign which advertises or announces a use conducted, or goods available elsewhere other than on the lot where the sign is located. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

7. **Plaque or Historic Marker:** A permanent, non-illuminated sign which identifies a structure or site designated by the Ipswich Historical Commission as being historically significant. In the case of a structure, said sign shall be attached parallel to the structure and shall not exceed three (3) square feet. In the case of a site, said sign shall be placed on the structure or shall be freestanding, and shall not exceed three (3) square feet in area. The sign area for a plaque or historic marker shall not be figured in the allowable sign area for the building. (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

8. **Sandwich Board Sign:** A sign structurally separate from a building and being supported on itself, usually on legs; a sandwich board sign shall be moveable and without permanent anchoring. Said sign shall have no more than six (6) square feet in area on each side of a two-dimensional double-faced sign, shall be constructed of materials intended for outdoor use and shall not impair visibility or ability to use any public way or public area. (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

SPACING: The distance between the letters in a word, between individual words, and/or between lettering and any other components of a sign.

SPECIAL PERMIT GRANTING AUTHORITY: The Town of Ipswich Zoning Board of Appeals.

TEMPORARY SIGN: A sign which is intended for a limited period of display. A temporary sign may be erected for a period not to exceed the time frames listed in the following categories. A temporary sign that does not meet the following criteria shall be subject to the same requirements as for permanent signs.

1. Poster-type signs, construction signs, and real estate signs are considered temporary signs provided they meet the following necessary criteria:

   a. Poster-type sign:
      (1) may not occupy more than 15% of the window area and may not be attached to the exterior surface of the window.
      (2) shall be related to use conducted or goods available on the premises.
      (3) may not be used for more than twenty-one (21) consecutive calendar days.

   b. Construction sign:
      (1) identifies parties involved in construction on the same premises only
      (2) shall not contain advertising
      (3) shall not be utilized for more than one (1) year, or for the duration of work on the lot, whichever is longer
      (4) shall not exceed twenty (20) square feet in area (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)
      (5) shall be removed promptly by contractor within fourteen (14) calendar days of the completion of work.

   c. Real Estate sign:
      (1) shall be related to sale, rental, or lease of same lot;
      (6) shall not be more than six (6) square feet in area; (Amended by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11);
      (2) shall be removed within seven (7) calendar days after sale, rental, or lease.

2. Any banner sign shall be considered a temporary sign provided it meets the following criteria:

a. A banner sign intended to advertise a business establishment prior to permanent signing:
(1) shall be erected for a maximum of thirty (30) calendar days
(2) shall be no larger than twenty (20) square feet in area per business
(3) shall be attached to the building.

b. A banner sign intended to advertise a special event:
(1) shall be no greater than seventy-five (75) square feet in area if placed across a public street (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98); otherwise, shall be no greater than twenty (20) square feet in area
(2) shall be erected for a maximum of sixty (60) calendar days, and
(3) shall be removed within three (3) calendar days after the event is over.

3. A sandwich board sign shall be considered a temporary sign provided that it meets the following criteria:

a. the sign is intended to advertise a special event or seasonal product
b. it shall be erected for a maximum of thirty (30) calendar days within any twelve-month period.

WALL SIGN: Any sign painted on or affixed to a building wall is a wall sign. Wall signs consist of two basic categories:

1. Directly applied: painted or three-dimensional letters applied directly to a building surface.

2. Independent Wall Sign: painted, incised or three-dimensional letters affixed to a sign board which is then attached to a building surface.

WINDOW SIGN: Any temporary or permanent sign affixed to the surface of the glass of any part of any building. Window sign(s) shall not occupy, in total, more than fifteen percent (15%) of the glass area and may not be attached to the exterior surface of the glass. Any interior sign which is within three feet (3') of the window glass and which is visible from the outside of the building shall be considered a window sign even though it may not be affixed directly to the glass. Window displays of actual products or merchandise for sale or rent on the business premises shall not be considered window signs.

D. Sign Requirements per Zoning District

No sign shall be permitted except that which meets the following requirements:

1. In Rural Residence A, B, C, Intown Residence, and Highway Business Districts, signs for residential uses, except street numbers and names of occupants, may not be illuminated. The following signs are permitted: (Amended by 10/18/93 Special Town Meeting; approved by 2/3/94 Attorney General)

a. one sign displaying the street number and name or names of the occupants of the premises, not exceeding two (2) square feet in area;
b. one sign not exceeding two (2) square feet in area limited to the identification of a permitted home occupation;
c. one real estate sign;
d. one construction sign;
e. one historic plaque or marker; and/or
f. one free-standing sign per main entrance of any subdivision, Great Estate Preservation Development, Green Space Preservation Development, or multi-family residential development, which shall not exceed twelve (12) square feet in area. The sign shall be no closer than five (5) feet to the edge of street pavement, and the sign shall not impair visibility or ability to use any public way or area. (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10)

2. In Rural Residence A, B, and C and in Intown Residence Districts, the following signs shall be allowed for non-conforming business uses, and for religious, educational, public, philanthropic or agricultural uses:

- **a.** all signs listed in D.1. a through f;
- **b.** one temporary banner sign;
- **c.** one wall sign, which shall be no greater than twenty (20) square feet (or the size of the existing sign), whichever is smaller;
- **d.** one temporary sandwich board sign by special permit.

3. In Highway Business and Planned Commercial Districts, the following signs are permitted: (Amended by10/20/03 Special Town Meeting, approved by Attorney General 1/22/04)

- **a.** all signs listed in D.1. a through f;
- **b.** one banner sign;
- **c.** one wall sign which shall be no greater than thirty (30) square feet per business;
- **d.** one free-standing directory sign for lots with two (2) or more businesses and for all uses in common ownership. Said sign shall be no greater than fifty (50) square feet in total area, with each business having a maximum of eight (8) square feet in area, and which may include up to twenty (20) square feet for the name and/or address of the business complex. For lots containing a single business use, one free standing sign of twenty (20) square feet in total area shall be allowed. Said sign(s) shall not be located within five (5) feet of the edge of street pavement, shall have a clearance of four feet (4') above grade to the bottom of the sign, and shall not impair visibility or ability to use any public way or area; (Amended by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)
- **e.** off-premises, free-standing signs may be permitted by special permit from the Planning Board. Each such sign shall have an area of no more than two (2) square feet per business or institution identified on the sign. Up to six (6) separate businesses or institutions may be advertised on one sign for up to twelve (12) square feet of combined area. (Amended by 10/26/2010 Special Town Meeting; approved by Attorney General 2/24/11)
- **f.** one sandwich board sign which shall be located no closer than fifty feet (50') to the street line;
- **g.** window sign(s);
- **h.** awning sign(s).

4. In the Central Business and General Business Districts, the following signs are permitted for business and industrial uses: (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07; Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

- **a.** all signs allowed in D.1, a through f;
- **b.** one hanging sign per business, except that for a business on a corner lot, one sign shall be allowed on each frontage street. Any such sign shall not exceed eight (8) square feet in area and shall not have a projection greater than five feet (5) from the building or two-thirds of the width of the sidewalk, whichever is less. Each sign shall also have required clearance (see diagram #4);
- **c.** one wall sign which shall be no greater than twenty (20) square feet per business except that for a business on a corner lot, one sign shall be allowed on each front lot line;
- **d.** one banner sign. Any such banner sign shall meet the projection and clearance requirements for hanging signs if projecting from the building;
- **e.** window signs;
- **f.** one sandwich board sign.

5. In all Limited Industrial (LI) and all Industrial Districts, except those found in the center of Ipswich, the following signs are permitted:

- **a.** all signs found in Paragraph #3, with the exception that wall signs shall be no greater than twenty (20) square feet in area.

6. In all districts the following additional signs are permitted:

a. any free-standing sign, not exceeding four (4) square feet in area, identifying an exit, an entrance, and/or a parking area situated at or near each entrance, provided that no portion of the sign shall be greater than three feet (3) above grade; and

b. one sign attached to the building wall, not exceeding four (4) square feet in area, at the rear of a building, for the sole purpose of facilitating deliveries, entrance by the public from a rear parking lot, or directional or warning signs pertaining to traffic or parking directions.

c. additional wall sign(s), conforming to the size specifications in subsection D.2. through D. 5. above, on each secondary frontage, if a building has frontage on more than one (1) public street, or public entrances on more than one (1) façade. However, no business or other establishment shall have more than two (2) such secondary wall signs. (Added by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

7. In no event shall the total area of all allowed signs, as described in Subsections D.2., D.3., D.4., and D.5. above, exceed twenty percent (20%) of the total first floor building facade area of each business or allowed use. The first floor building facade area shall be calculated by multiplying the lineal frontage of a building or storefront by its total first floor or entrance level height (*see diagram #5*).

8. Signs may, by Planning Board special permit, be increased in size from the requirements of this subsection D. where this will not be incongruous with the surroundings, based upon consideration of the following:

a. The number of occupants and signs per building;

b. The size of the building and integration of sign and building design;

c. The character of the proposed sign, its relationship with the building and size of the building;

d. The subject matter of the sign;

e. The impact of the sign on abutting streets and property owners;

f. Such other factors that the Planning Board deems appropriate to give assurance that the public interest will be protected. (Added by 10/17/05 STM; approved by Attorney General 12/12/05) (Amended by 10/15/07 STM; approved by Attorney General 1/23/08) (Amended by 10/25/10 STM; approved by Attorney General 2/4/11)

E. Non-conformance of Signs

Any sign legally erected before the adoption of this bylaw, which does not conform to the provisions of this bylaw, may continue to be maintained without a permit provided that any such sign shall conform to the provisions thereof if, after the adoption of the bylaw, it is enlarged, altered, replaced, changed, or relocated. Any exemption provided for in this section of the bylaw shall terminate with respect to any sign which:

1. Advertises a permitted use which has been discontinued; or

2. Advertises or calls attention to any product, business, or activity which is no longer sold or carried on, whether generally or on the premises.

F. Permit and Appeal

1. No person shall install, erect, or alter a sign without having obtained in advance a building permit for said sign.

2. Any appeal under sub-sections B, C, or D shall be made to the Zoning Board of Appeals.
(Entire section amended by 11/4/91 Special Town Meeting; approved by Attorney General 3/5/92)

DIAGRAM 1

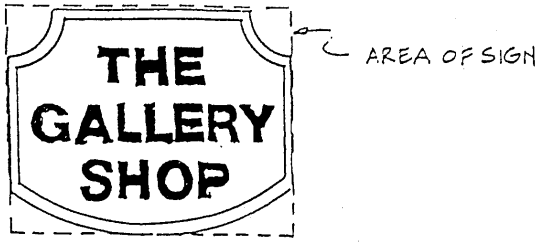


DIAGRAM 2

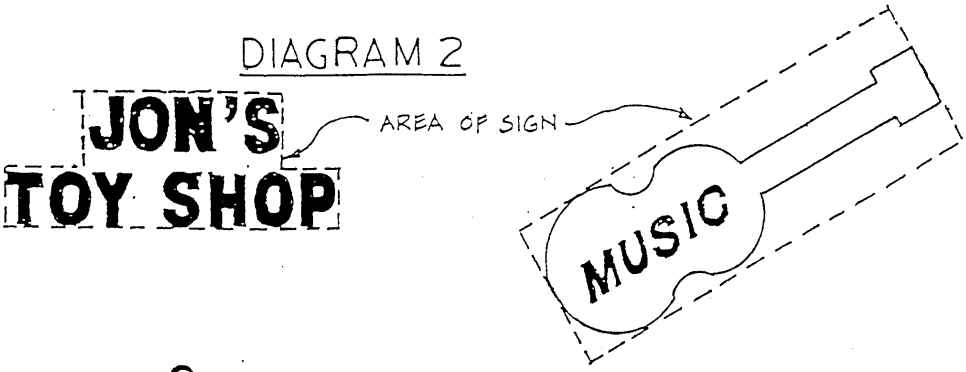
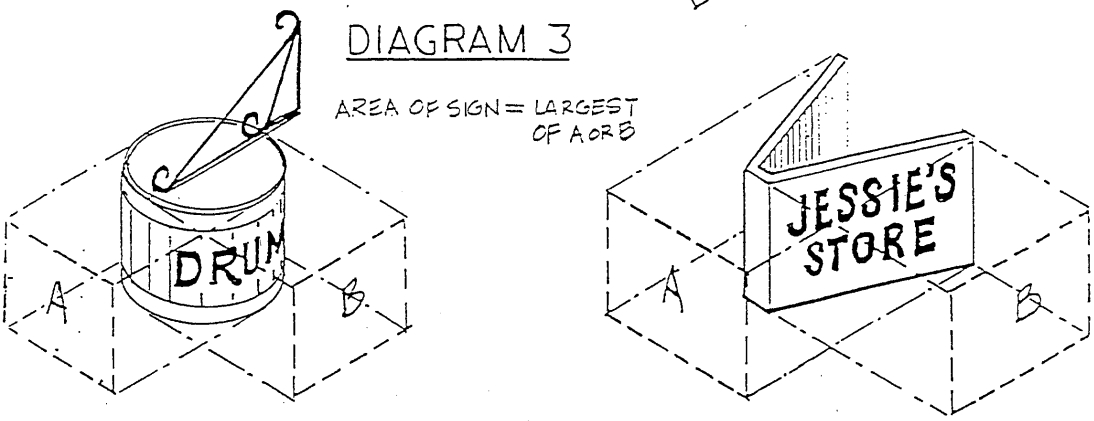


DIAGRAM 3



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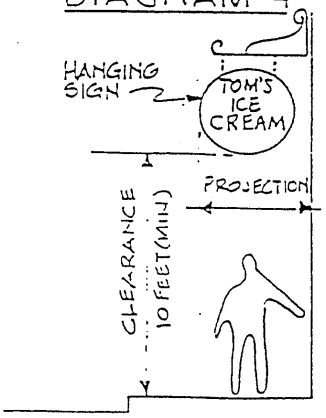
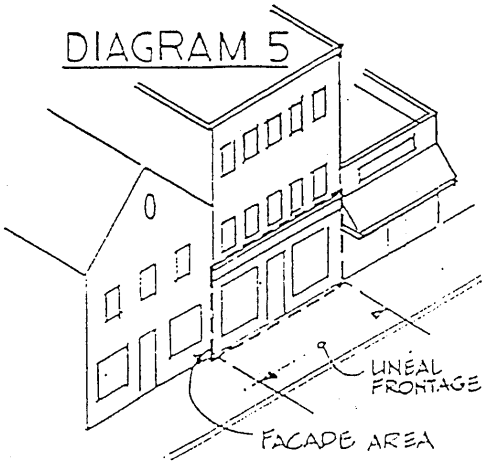


DIAGRAM 5



IX. SPECIAL REGULATIONS

A. Open Space Preservation (Cluster) Zoning (OSPZ)

1. Purpose: The purpose of the Open Space Preservation (Cluster) Zoning Bylaw is to:

a. conserve the Town's significant open space and to protect its natural features, including historic farms and landscapes, wetlands, forests, the Ipswich River, and the Area of Critical Environmental Concern (ACEC);

b. foster housing patterns which are sensitive to and accommodate a site's physical characteristics;

c. encourage the use of open space for agricultural use, conservation and/or passive recreation use;

d. promote more efficient provision of streets, utilities and other public services by allowing a concentration of dwelling units without an increase in overall density. (Added by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99)

2. Applicability: Any proposed development in the Town of Ipswich which would create six or more single-family attached or detached dwellings, on a property or set of commonly-owned contiguous properties containing a minimum of four (4) acres, shall be required to submit a special permit application to the Planning Board for Open Space Preservation (Cluster) Zoning in accordance with the provisions of this subsection. The applicant may also submit a conventional subdivision plan at the same time, in accordance with the Rules and Regulations Governing the Subdivision of Land in Ipswich. The Planning Board shall, in compliance with Massachusetts General Laws Chapter 40A, Section 9, hold a public hearing on the proposed Open Space Preservation (Cluster) application, and a concurrent public hearing on the proposed conventional subdivision, if applicable. In the event both an Open Space Preservation (Cluster) plan and a conventional subdivision plan are submitted, prior to the close of the public hearing, the Planning Board shall recommend which plan it considers most beneficial to the Town, and the applicant shall, also prior to the close of the public hearing, elect which plan he wishes to pursue, and shall inform the Planning Board of his choice in writing. For subdivisions which would create five or fewer lots, on a property or set of commonly-owned properties containing a minimum of five (5) acres, an applicant may submit a special permit application for Open Space Preservation (Cluster) Zoning, in preference to filing a conventional subdivision plan. Any special permit application submitted under the provisions of this subsection, which involves the subdivision of land, shall be subject to the approval of the Planning Board under the Rules and Regulations Governing the Subdivision of Land in Ipswich. (Added by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

3. Permitted Uses: The following principal developed uses of the lots shall be permitted:

a. single-family attached
b. single-family detached
c. community uses
d. religious uses
e. educational uses
f. membership club for the use of residents of the development
g. country, fishing, tennis, boating, golf or similar club
h. common driveways up to five lots

(Amended by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99)

4. Density Standards: (Amended by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99)

a. Base Density:
For the purposes of determining the total number of allowable dwelling units an entire tract, the total number of proposed dwelling units in the development shall not exceed the number of dwelling units which would be developed under normal application of zoning requirements for detached single-family dwelling units under the "Town of Ipswich Rules

and Regulations Governing the Subdivision of Land" and in accordance with Section VI. DIMENSIONAL AND DENSITY REGULATIONS of the "Protective Zoning Bylaw of the Town of Ipswich". The developer shall submit a “Yield Plan” which indicates the maximum number of lots achievable under a conventional layout which generally complies with the Town of Ipswich Rules and Regulations Governing the Subdivision of Land, without altering any land areas in which such activity would be precluded by normal application of state and town laws and regulations governing wetlands and riverfront areas, or by the existence of floodplain areas. In unsewered areas, the developer shall provide evidence acceptable to the Planning Board that individual on-site wastewater treatment and disposal systems may be permitted and constructed to serve all the lots proposed under the “Yield Plan” as submitted. This evidence shall include a demonstration of suitable soil and groundwater conditions through representative sampling and testing of the buildable areas of the site by means and methods approved by the Board of Health and shall at a minimum consist of one determination of soil permeability and one observation of maximum ground water elevation per two acres of otherwise buildable land, such tests being distributed with reasonable uniformity over the site. For the yield plan to be approved, all such determinations and observations shall meet the above presumption, except that if more than five determinations and observations are made, only seventy-five percent of said determinations and observations need demonstrate the above presumption. (Amended by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

b. Wetlands/Coastal Exclusion:
For tracts which contain wetlands and/or flood plain, only one-half the area designated as wetlands and/or floodplain may be considered when calculating the total area of the tract. For the purposes of determining lot area(s) the Federal Insurance Floodplain Maps (FIRM), 310 CMR 10.00 and the Town of Ipswich General Wetlands Bylaw shall be used to identify floodplain and wetland areas. (Added by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

c. Maximum Density:
In the RRC District in no circumstances shall the total number of units obtained through application of the above density formulae exceed one hundred twenty (120%) percent of the base density allowed under a. above, except as described below. In the RRA District in no circumstances shall the total number of units obtained through application of the above density formulae exceed one hundred (100%) percent of the base density allowed under a. above, except as follows:

(1) The Applicant submits an OSPZ application in accordance with the provisions of IX.I. Inclusionary Housing Requirements;

(2) An OSPZ application submitted in accordance with the provisions of IX.I may be allowed an increase over the overall density that is achievable under said Section, subject to the following conditions and limitations:

i. An OSPZ application which provides an open space set aside of greater than the required 50% may be entitled to a density bonus, under the general rule that at least 10% of additional satisfactory open space be provided in order to receive a bonus that is equivalent to an additional house lot. In no instance shall a density bonus awarded under subparagraph i. exceed 125% of the achievable density under IX.I.

ii. An OSPZ application which provides greater affordability than that required under IX.I may be entitled to a density bonus, under the general rule that at least 150% of the required affordability be provided in order to receive a bonus that is equivalent to three additional house lots. In no instance shall a density bonus awarded under this subparagraph ii. exceed 125% of the achievable density under IX.I.

iii. In no instance shall the overall density be more than two times what can be achieved under conventional two-acre zoning.

(Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

5. Development Requirements:

a. Town Water: The development shall be served by a water system deemed adequate for fire protection and domestic use by the Water Commissioners and by the Fire Chief.

b. Sanitary Sewer/Septic: The property shall be served by the Town's sanitary sewer system, by a private central sanitary sewer system, or by individual septic systems. If, however, in the judgment of the Board, the topography and/or soil conditions are such that it would be more efficient to allow the underground common septic system or individual septic systems to be placed in the preserved open space, this configuration may be permitted. All systems are subject to approval by the Board of Health and any other permitting authority of competent jurisdiction.

c. Open Space Restriction: A minimum of fifty percent (50%) of the lot shall be: (Amended in its entirety by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01.) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

(1) Conveyed to the Town of Ipswich and accepted by it for open space use;

(2) Conveyed to the Commonwealth of Massachusetts as part of a state forest, park, or wildlife management area;

(3) Conveyed to a non-profit corporation, the principal purpose of which is the conservation of open space, and made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts; or

(4) Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the plot; or

(5) Made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and Section 33, inclusive, of chapter 184 of the General Laws of the Commonwealth of Massachusetts running in favor of either the Town or, upon the approval of the Planning Board, a non-profit corporation, the principal purpose of which is the conservation of open space. The conservation restriction shall provide that such land shall be kept, in perpetuity, in an open or natural state, in accordance with the above-noted sections of Chapter 184 of the General Laws.

(6) The open space, in its entirety or a percentage thereof, may be held in non-common ownership, if approved by the Planning Board. (Added by 10/23/01 Special Town Meeting; approved by Attorney General 2/19/02)

The method of protecting open space requires the approval of the Planning Board.

In designating open space, the Applicant shall apply guidelines entitled CRITERIA FOR EVALUATING OPEN SPACE, adopted by the Planning Board and amended from time to time. The open space shall be available for use by the general public, unless the applicant can provide compelling reasons to the Planning Board why such access would be infeasible in whole or in part. No more than fifty percent (50%) of the designated open space may be comprised of wetlands, or land having an average grade greater than twenty-five percent (25%). (Amended by 10/16/00 Special Town Meeting; approved by 3/8/01 by Attorney General.) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

d. Dimensional Regulations:
There shall be no lot area, frontage or setback requirements within a tract, except as follows: (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

(1) the area developed for residential use, including buildings, parking and other areas paved for vehicular use, shall not exceed twenty-five percent (25%) of the total area of the OSPZ tract. Foot and bicycle paths and recreational facilities, including buildings wholly devoted to recreation, shall not be counted in the calculation of the twenty-five percent (25%) limitation. (Amended by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

(2) For each lot located within any minimum tract, the minimum lot width shall be 75 feet, the minimum lot frontage shall be 50 feet, the minimum front, side and rear setbacks shall be 20 feet, 10 feet (per side) and 25 feet, respectively, and the maximum building coverage shall be 30%. (Amended by 10/16/00 Special Town Meeting; approved by 3/8/01 by Attorney General) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

(3) Notwithstanding the requirements of Section X.B. of this bylaw, within the RRC district any minimum tract proposed for the Open Space Preservation (Cluster) Zoning shall be subject to site plan review in accordance with the provisions of Section X.

(4) A vegetated buffer between the tract being built upon and abutting lots shall be required by the Board only if it determines that a buffer is necessary to protect significant natural features and to achieve the harmonious integration of the proposed development with surrounding properties. (Amended by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

(5) The Planning Board, by special permit, may waive any of the above dimensional requirements if it determines that such action would not be inconsistent with the purpose of this Open Space Preservation Zoning section. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

e. Application and Review Process:
All special permit applications for Open Space Preservation (Cluster) Zoning shall be made and filed on the appropriate application form. For an application to be considered complete, it shall provide all information required by the Rules and Regulations Governing Granting of Special Permits, available from the Department of Planning and Development.

If a proposed development filed under this subsection also requires subdivision approval, the applicant shall submit, along with the special permit application, a subdivision concept plan. The concept plan should address the general features of the land, and give approximate configurations of the lots and roadways. Imaginative and creative land use planning should be applied, with the aim of preventing damage to the landscape, topography and valuable and nonrenewable natural resources of the Town. The concept plan shall be prepared by a registered professional land surveyor and a registered professional landscape architect, and the plan shall include all information required in the Planning Board's rules and regulations, as described in paragraph 7. of this subsection A.

Within ten days of receipt of a concept plan and/or special permit application, the Planning Board shall transmit a copy of the plan and/or application and to the Open Space Committee, which shall review the application and submit its recommendation to the Planning Board within thirty (30) days of the referral of the application. The approved special permit shall incorporate protection of the natural features to the greatest extent possible. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

If the Planning Board approves a Special Permit for an open space preservation development requiring subdivision approval, the applicant shall then submit a definitive subdivision plan to the Planning Board under the Rules and Regulations governing the subdivision of land in the Town of Ipswich. Although the applicant has the option of submitting a preliminary plan instead of a definitive plan, the approved special permit will be considered to have served the purpose of a preliminary subdivision plan.

The Planning Board shall reconsider the aforementioned subdivision concept plan if there is substantial variation between the preliminary or definitive plan and the concept plan. A substantial variation shall be defined as an increase in the number of building lots, a decrease in the open space acreage, a change in the layout which causes dwelling units or road ways to be placed significantly closer to a dwelling unit within five hundred (500) feet of the project, and/or a change in the general development pattern. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the concept plan. (Added by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99)

Construction of streets shall be in accordance with the Rules and Regulations Governing the Subdivision of Land in the Town of Ipswich. Streets may be offered for acceptance as public ways.

f. Limitation of Subdivision:
No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown on the plans.

6. Common Driveways.

Common driveways serving no more than five residential lots are allowed in Open Space Preservation Zoning Developments, provided that they meet the following requirements:

a. The common driveway complies with Section IX.E.2., paragraphs a. through d., of this zoning bylaw.

b. The common driveway shall access the property over the frontage of at least one of the lots being served by the driveway.

c. The owners of the properties to be served by the common driveway must provide evidence to the Building Inspector that they have rights, either by deed or perpetual easement, to the common driveway.

d. The common driveways shall provide adequate access and turnaround for vehicles including moving vans, ambulances, fire and police vehicles. To provide such adequate access, the common driveway shall be built to meet the following standards:

(1)	Width	Sixteen (16) feet, except for driveways serving two (2) lots, in which case the width may be a minimum of twelve (12) feet. The Planning Board may allow driveways serving up to five (5) lots to be less than sixteen (16) feet in width if turnouts are provided in a satisfactory manner. (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)
(2)	Turnaround	Cul-de-sac having an outside paving diameter of at least 90 feet. As an alternative, the Planning Board may allow a "T" or "Y" shaped turnaround.
(3)	Pavement	Class I, Type I-1 plant-mixed bituminous concrete, in accordance with Appendix 1(A)(5 and 6) of the Rules and Regulations Governing the Subdivision of Land in Ipswich, Massachusetts.
(4)	Grade	14% maximum. (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)
(5)	Leveling Area	If the grade of the common driveway exceeds six percent (6%) on the approach to an intersection, leveling area with a slope of not more than four (4) percent shall be provided for a distance not less than fifty (50) feet from the intersecting street.

The width, grade and leveling area standards specified above shall apply only to that portion of a driveway which is used in common by more than two (2) lots. Further, the Planning Board may waive strict compliance with the width and pavement requirements if it determines that such a waiver can be granted without adversely affecting public access. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

e. If the terminus of the common driveway is greater than 500 feet from an existing hydrant, as measured along said driveway, an eight-inch diameter water main and hydrant acceptable to the Department of Utilities shall be installed.

f. The special permit approval shall be subject to a covenant by and between the developer and the Planning Board recorded in the chain of title and running with the land, on a form approved by the Planning Board, acknowledging that the common driveway special permit was granted in consideration of the conditions contained within the special permit and the grant of covenant, and that the common driveway is a private driveway that serves more than one (1) lot, and the owner, his heirs, executors, successors and assigns, agree that the common driveway shall never be submitted to Town Meeting for a vote to have it become an accepted street. This paragraph authorizes the Planning Board to accept the covenant on behalf of the Town.

g. The special permit approval shall require the applicant to record with the permit a declaration of covenants and easements which provides for a method of maintenance of the drive, and which obligates that present and future owners of the lots be responsible for the maintenance of the common driveway. (Added by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99)

If any of the following conditions are met, applicants are encouraged to construct common driveways, provided they still meet conditions a. through g. of this section:

(1) The provision of individual driveways to the lots to be served by the proposed common driveway would require curb cuts which are separated by less than sixty (60) feet along the exterior street line.

(2) The provision of individual driveways to the lots to be served by the proposed common driveway would allow no alternative but to cross a "Wetland Resource Area", as defined by M.G.L. Chapter 131 Section 40, and/or the Town of Ipswich Wetlands Protection Bylaw, or to cross a "Flood Plain" as described in Section IX. D. of this zoning bylaw.

(3) One or more alternative individual driveways which would be necessary in the absence of the proposed common driveway would intersect the roadway at a point of insufficient traffic sight distance, as determined by the Ipswich Planning Board.

(4) The provision of driveways to the lots to be served by the proposed common driveway would adversely affect a significant natural feature or vista. (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

7. Adoption of Rules and Regulations:

The Board shall adopt an application form and rules and regulations in accordance with the provisions of this bylaw. Rules and regulations shall specify the application process, type and number of required plans, and general requirements in order to assist the developer in complying with the intent of this bylaw. (Section A. amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93) (First sentence and Section A amended by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

B. Wetlands District

(This section deleted by 4/2/90 Annual Town Meeting)

C. Water Supply Protection Districts

(Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

1. Purpose of District. The purpose of this Water Supply Protection District is to:
   a. promote the health, safety, and general welfare of the community by ensuring high quality and safe drinking water for the residents, institutions, and businesses of the Town of Ipswich; and
   b. preserve and protect existing and potential sources of drinking water supplies.

2. Scope of Authority. The Water Supply Protection District (WSPD) is an overlay district, superimposed on the zoning districts, which operates in conjunction with other applicable local and state regulations. The WSPD shall apply to all: (a) new construction; (b) reconstruction or expansion of existing buildings; and (c) new or expanded uses in zones delineated for water supply protection. Specifically exempted from this section is normal household use of hazardous materials. Applicable activities and uses in a portion of one of the underlying zoning districts which fall within the WSPD must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the WSPD.

3. Definitions. The following terms used in this section are defined in SECTION III of the zoning bylaw: Groundwater, Impervious Surface, Normal Household Use, Potential Drinking Water Sources, Recharge Areas, Treatment Works, Very Small Quantity Generator, and Water Supply Protection District.

4. For the purposes of this section, a Hazardous Material is defined as follows: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant actual or potential hazard to water supplies or other hazards to human health were such substance or mixture released in the Town of Ipswich. Hazardous materials include, without limitation; synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (M.G.L.) Chapter(c.) 21C and 21E and 310 CMR 30.00.

5. Establishment and Delineation of WSPD. The WSPD established in this section consists of watersheds or recharge areas which are delineated on a map entitled "Water Supply Protection District, Town of Ipswich," and is dated September 19, 2003. This map is hereby made a part of the Official Zoning Map of the Town of Ipswich and is on file in the Office of the Town Clerk. The boundaries of the WSPD do not necessarily coincide with property lines. In such instances, the regulations of this section shall apply only to that portion of a lot which lies within the WSPD.

6. The WSPD consists of four zones (A, C, I, II), defined in 310 CMR 22.02. These zones are drawn around surface water supplies, community water supplies, and non-community water supplies as defined in 310 CMR 22.02.

7. Use Regulations.
   a. Within the Water Supply Protection District all of the requirements of the underlying zoning districts continue to apply except that:
      i. Uses designated with a dash (—) in the Water Supply Protection Table of Uses shall not be permitted; and
      ii. Uses designated with "SPB" may only be permitted by special permit from the Planning Board, even if the underlying district requirements are more permissive.
   b. Uses designated with "P" or “NA” shall be controlled by requirements of underlying zoning districts.
   c. For uses located in areas within both the Zone A and Zone II, the most restrictive requirement shall apply.
   d. Except for uses related to the operation and maintenance of the Ipswich public water supply as defined in 310 CMR 22.00, no activities or uses are permitted on that portion of any property located within Zone I, as defined in Section III. of this bylaw. (Amended 10/19/09 Special Town Meeting; approved by AG 2/16/10)

e. Uses allowed in the underlying zoning district but prohibited by the Water Supply Protection Table may be allowed by Planning Board special permit, if the Planning Board finds that the Applicant has demonstrated, on the basis of geophysical evidence, that the proposed use or activity is located on property that should not have been included in Zone II, Zone A, or Zone C of the Water Supply Protection District. Any application for said special permit shall be accompanied by documentation prepared by a professional who meets the following two requirements:

i. Is experienced in delineating hydrogeologic zones or wetlands in Massachusetts; and
ii. Has one or more of the following credentials:

Title	Conferring Entity
Registered Professional Hydrologist	American Institute of Professional Geologic Scientists
Certified Professional Geologic Scientist	American Institute of Professional Geologic Scientists
Professional Wetland Scientist	Society of Wetland Scientists
Certified Groundwater Professional	Association of Groundwater Scientists and Engineers

The applicant shall provide information in substantial conformance with the criteria set forth in 310 CMR 22.00 and in the DEP's Guidelines and Policies for Public Water Systems for the delineation of Zones, as administered by the Massachusetts Department of Environmental Protection, to show that the proposed use or activity is not within the Water Supply Protection District. The Planning Board may engage a professional as defined above to review the application containing said groundwater analysis and shall charge the applicant for the cost of the review.

Water Supply Protection District Table of Uses	Surface Water Zone A	Ground Water Zone II	Surface Water Zone C
1) The creation, replacement, expansion or repair of water bodies and dams, splash boards, and other water control, supply and conservation devices for non-Ipswich public water supply purposes, where otherwise legally permitted	SPB	P	SPB
2) Drilling to a depth greater than 15 feet below existing grade, not including drilling of monitoring wells by the Town of Ipswich.	SPB	SPB	P[1]
3) Replacement or repair of an existing sewage treatment works subject to 314 CMR 3.00 or 5.00, that will not result in a design capacity greater than the design capacity of the existing treatment works	P	P	P
4) Discharge from sewage treatment subject to 314 CMR 3.00 or 5.00, except as described in 3) above	SPB	SPB	SPB
5) Replacement or repair of an existing treatment or disposal works, as approved by DEP, subject to 314 CMR 5.00 for non-sanitary wastewater including industrial and commercial process wastewater, that will not result in a design capacity greater than the design capacity of the existing treatment works	P	P	P
6) Publicly owned treatment works as approved by DEP, subject to 314 CMR 5.00 for non-sanitary wastewater including industrial and commercial process wastewater	__	SPB	SPB

Water Supply Protection District Table of Uses	Surface Water Zone A	Ground Water Zone II	Surface Water Zone C
7) Treatment or disposal works, as approved by DEP, subject to 314 CMR 5.00 for non-sanitary wastewater including industrial and commercial process wastewater, except as described in 3), 5), and 6) above.	__	__	SPB
8) Water remediation treatment works approved by DEP, designed and operated in accordance with 314 CMR 5.00, for the treatment of contaminated ground or surface waters	SPB	SPB	SPB
9) Hitching, standing, feeding and grazing no closer than 100 feet from the edge of a surface-water source or tributary, if that 100 feet constitutes an established and maintained vegetative buffer strip[2]	P	NA	NA
10) Application of animal manure applied to the soil as fertilizer, subject to Town of Ipswich Board of Health regulation, in accordance with the specifications of the Natural Resource Conservation Service Agricultural Waste Management Field Handbook, Appendix 13[3]	P	P	P
11) Enlargement or alteration of existing uses that do not conform to the Water Supply Protection District. A special permit shall not be issued unless: a. Construction, use, or possible abandonment of project improves or does not affect quality of the water supply; b. In making its determination, the SPGA shall be guided by input from the Board of Health, the Water Commissioners, and the Director of Utilities for the Town of Ipswich.	SPB	SPB	SPB
12) The rendering impervious of:			
a. no more than fifteen percent (15%), or two thousand five hundred (2,500) square feet, of any lot, which ever is greater	P	P	P
b. no more than twenty percent (20%) of any lot, if artificial recharge is provided,[4] or, if artificial recharge is infeasible, an alternate system of stormwater management	SPB	SPB	SPB
c. more than twenty percent (20%) of any lot, if a system of stormwater management and/or artificial recharge is provided.[4]	__	SPB	SPB

Water Supply Protection District Table of Uses	Surface Water Zone A	Ground Water Zone II	Surface Water Zone C
13) Removal of soil, loam, sand, gravel, or any other mineral substance within four (4) feet of historical high groundwater table elevation as determined from monitoring wells, redoximorphic features, or historical water table fluctuation data compiled by the United States Geological Survey, not including: a. Earth removal if substances removed are permitted to be and are re-deposited within 45 days of removal on site to achieve a final grading greater than 4 feet above the historical high water marker[5]; or b. Excavations for building foundations, roads, utility works, or wetland restoration	—	—	SPB
14) New sand and gravel operations	—	—	—
15) Any new floor drainage system, in industrial or commercial process areas or hazardous material and/or hazardous waste storage areas, which discharges to the ground without a DEP permit or authorization.	—	—	—
16) Landfills receiving only wastewater and/or septage residuals including those approved by the DEP pursuant to M.G.L .c. 21, §26 through §53; M.G.L. c. 111, §17; M.G.L c. 83, §6 and §7, and regulations promulgated thereunder; and other landfills and open dumps, as defined in 310 CMR 19.006	—	—	—
17) Solid waste combustion or handling facilities	—	—	—
18) Storage and/or disposal of sludge and septage	—	—	—
19) Automobile graveyards and junkyards, as defined in M.G.L. c. 140B, §1, and other salvage or junkyards	—	—	—
20) On-site discharge or disposal of industrial waste other than non-sanitary wastewater	—	—	—
21) Facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00, not including: a. Very small quantity generators of hazardous waste, as defined under 310 CMR 30.353; b. Household hazardous waste centers and events under 310 CMR 30.390[6]; c. Waste oil retention facilities required by M.G.L. c. 21, § 52A[6]; or d. Water remediation treatment works approved by DEP, designed and operated in accordance with 314 CMR 5.00, for the treatment of contaminated ground or surface waters	—	SPB	SPB
22) Installation or replacement of underground tanks for storage of hazardous materials, including heating fuel, not including replacement of previously legally existing commercial underground storage tanks for storage of hazardous materials[5]	—	—	—

Water Supply Protection District Table of Uses	Surface Water Zone A	Ground Water Zone II	Surface Water Zone C
23) Storage of liquid hazardous materials or other leachable materials, as defined in M.G.L. c. 21E, liquid petroleum products and/ other leachable materials[7], unless such storage is: a. Above-ground level on an impervious surface, and b. The storage is incidental to: i. Normal household use, outdoor maintenance, or the heating, ventilation and/or air conditioning (HVAC) systems of a structure; ii. Use of emergency generators, provided that no more than 600 gallons is stored on site at any time; or iii. A response action conducted or performed in accordance with MGL c. 21E and 310 CMR 40.000 and which is exempt from a groundwater discharge permit pursuant to 314 CMR 5.05(14); and c. Either i. in container(s) or above ground tank(s) within a building, or; ii. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater in which instance such storage is allowed by written approval of the Utilities Department	—	SPB	SPB
24) Operation of dry cleaning facility	—	—	SPB
25) Operation of commercial car washing facility, indoor or outdoor	—	SPB	SPB
26) Establishment for repair and/or service of new and/or used automobiles, trucks, aircraft, boats, motorcycles, and household and camping trailers	—	—	SPB
27) Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983, not including liquefied petroleum gas	—	—	—
28) Wholesale distribution and/or warehousing of commercial packaged liquid petroleum products, including Class A, B, and C motor fluids	—	P	P
29) Bulk storage of deicing chemicals and sanding materials, unless such storage, including loading areas, is within a covered structure designed to prevent the generation and escape of contaminated runoff and/or leachate, in which instance the storage is allowed by written approval of the Utilities Department	—	—	—

Water Supply Protection District Table of Uses	Surface Water Zone A	Ground Water Zone II	Surface Water Zone C
30) Stockpiling and disposal of snow and ice containing deicing chemicals, brought in from outside the zone	__	__	__
31) Outdoor storage of fungicides, rodenticides, pesticides, herbicides	__	__	__
32) Storage of fertilizers (as defined in MGL Chapter 128, §64), animal manure and/or stockpiling agricultural wastes, not including such storage if enclosed within a structure designed to prevent the generation and escape of contaminated runoff and/or leachate, in which instance the storage is allowed by written approval of the Utilities Department	__	__	__
33) Disposal of animal remains and operation of cemeteries (human and animal) and mausoleums	__	P	P

[1] Subject to obtaining permit from the Building Inspector.
[2] Vegetated buffer strips means either "Filter Strips" or "Field Borders" as defined in the MADEP Nonpoint Source Management Manual, and shall be not less than 100 feet in width.
[3] NRCS Handbook available in Planning Office, Town Hall.
[4] The system of storm water management and artificial recharge of precipitation shall be designed to prevent untreated discharges to wetland and surface water; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; not result in significant degradation of groundwater; reduce suspended solids and other pollutants to improve water quality; and provide increased protection of sensitive natural resources.
These standards may be met using the following or similar best management practices:

(a) For single or two family residences, recharge shall be attained through site design that incorporates natural drainage patterns and vegetation to maintain pre-development stormwater patterns and water quality to the greatest extent possible. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed through vegetated water quality swales, as sheet flow over lawn areas or to constructed stormwater wetlands, sand filters, infiltration systems, organic filters and/or similar systems.

(b) For multi-family residential and non-residential uses, a stormwater management plan shall be developed which provides for the artificial recharge of precipitation to groundwater through site design that incorporates natural drainage patterns and vegetation and uses constructed (stormwater) wetlands, wet (detention) ponds, water quality swales, sand filters, organic filters, infiltration systems, or similar site appropriate best management practices capable of removing nitrogen and other contaminants from stormwater, in compliance with the Stormwater Management Standards and technical guidance contained in the Massachusetts Department of Environmental Protection's 1997 Stormwater Management Handbook, Volumes 1 and 2. No runoff shall be discharged directly to rivers, streams, and other surface water bodies, wetlands or vernal pools.

Except when used for roof runoff from non-galvanized roofs, all such wetlands, ponds, swales or other infiltration facilities shall be preceded by oil, grease and sediment traps or other best management practices to facilitate control of hazardous materials spills and removal of contamination and to avoid sedimentation of treatment and leaching facilities. All such artificial recharge systems shall be maintained in full working order by the owner(s) under the provisions of an operations and maintenance plan approved by the permitting authority to ensure that systems function as designed. Infiltration systems greater than three (3) feet deep shall be located at least one hundred (100) feet from drinking water wells. Any infiltration basins or trenches shall be constructed with a three (3) foot minimum separation between the bottom of the structure and maximum groundwater elevation.

[5] Not allowed in Zone A.
[6] Not allowed in Zone A unless an existing use.
[7] These storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in accordance with applicable state and local requirements.

8. Procedures for Issuance of Special Permit.

a. Special Permit Granting Authority. The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board.

b. Review by Other Boards and Officials. Upon receipt of the special permit application, the Planning Board shall transmit one copy each to the Board of Health, Water Commissioners, Conservation Commission, and the Department of Utilities for their written recommendations. Failure to respond in writing to the Board within 35 calendar days of receipt shall indicate approval or no desire to comment by said agency. The applicant shall furnish the necessary number of copies of the application.

c. Criteria. The Planning Board may grant the required special permit only upon finding that the proposed use meets the criteria established in XI.J of this bylaw, as well as the following criterion:
The proposed use shall in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Supply Protection District; and further, the use shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

d. Regulations. The Planning Board may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the Planning Board of the Town of Ipswich.

e. Submittal Requirements. The applicant shall file six copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the Planning Board and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

i. A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;

ii. For those activities using or storing such hazardous materials, a Hazardous Materials Management Plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures.

9. Monitoring. Periodic monitoring of existing on-site groundwater monitoring wells and/or permission to installation of new wells on the applicant's property may be required by the Planning Board as a condition of the special permit, subject to the conditions of this bylaw. Such monitoring may include sampling of wastewater disposed to on-site septic systems or cesspools, or to drywells, and sampling from groundwater monitoring wells to be located and constructed as specified in the special permit. Reports shall be submitted to the Planning Board and the Board of Health. The cost of complying with the requirements of this paragraph shall be borne by the applicant.

10. Violations and Enforcement. Written notice of any violation of this bylaw shall be given to the responsible person as soon as possible upon observation, detection, knowledge or proof that a violation has occurred. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirements or restriction violated and the nature of the violation, and may also identify the actions to remove or remedy the violations, preventive measures required for avoiding future violations, and a schedule of compliance. A copy of such notice shall be submitted to the Planning Board, Board of Health, the Conservation Commission, and the Department of Utilities. The cost of containment, cleanup or other action of compliance shall be borne by the assessed owner of the property.

For situations that require remedial action to prevent impact to the water resources within the Water Supply Protection District, the Building Inspector, the Board of Health, or any of their agents may order the owner and/or operator of the premises to remedy the violations. If said owner and/or operator does

not comply with said order, the Building Inspector, the Board of Health, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The cost of remediation shall be the sole responsibility of the owner and/or operator of the premises.

11. Severability. A determination that any portion or provision of this Water Resource Protection District Bylaw is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit issued previously thereunder.

D. Floodplain District

1. Purpose: The purposes of the Floodplain District are to:

a. Ensure public safety through reducing the threats to life and personal injury;

b. Eliminate new hazards to emergency response officials;

c. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

d. Avoid the loss of utility services, which if damaged by flooding would disrupt or shutdown the utility network and impact regions of the community beyond the site of flooding;

e. Eliminate costs associated with the response and cleanup of flooding conditions;

f. Reduce damage to public and private property resulting from flooding waters.

2. Applicability

The Floodplain District is established as an overlay district to all other zoning districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (780 CMR 3107.0, "Flood Resistant Construction"); (Amended by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

Wetlands Protection Regulations, Department of Environmental Protection (DEP) (as of August 1, 1997, 310 CMR 10.00);

Inland Wetlands Restriction, DEP (as of August 1, 1997, 302 CMR 6.00);

Coastal Wetlands Restriction (as of August 1, 1997, 302 CMR 4.00);

Minimum requirements for the Subsurface Disposal of Sanitary Sewage (as of August 1, 1997, 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required procedures of these state regulations. (Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

3. Development Requirements: The following additional development requirements apply in the Flood Plain District:

a. Within Zone A, where the base flood elevation is not provided on the Town of Ipswich Compiled Flood Insurance Rate Map, the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.

b. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone V). As these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, all new construction shall be located landward of the reach of the mean high tide.

c. In the Floodway, designated on the Town of Ipswich Flood Boundary and Floodway Map: (Amended by 1018/99 Special Town Meeting; approved by Attorney General 1/5/00)

(1) All encroachments, including fill, new construction, substantial improvements to existing structures, and other developments are prohibited. If the Zoning Board of Appeals finds that any of the above will not result in any increase in flood levels during the occurrence of the 100 year flood, the Zoning Board of Appeals may allow such by special permit.

(2) Any encroachment meeting the above standard shall comply with all flood plain requirements of the State Building Code.

d. In the AO zones, the lowest floor of new construction of substantial improvements shall be elevated above the crown of the nearest street or above the depth number indicated on the Town of Ipswich Flood Boundary and Floodway Map. (Amended by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

e. Incorporated herein by reference are the following: The Flood Insurance Study, Town of Ipswich, Massachusetts, prepared by the Federal Emergency Management Agency, February 5, 1985, on file in the office of the Town Clerk; the Flood Insurance Rate Maps, dated August 5, 1985, and revised July 2, 1992, and the Flood Boundary and Floodway maps, dated August 5, 1985, on file in the office of the Department of Planning & Development. (Added by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

f. In Zone A, A1-A30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within Ipswich during the occurrence of the base flood discharge. (Added by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

g. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones. (Added by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

h. Within Zones AH and AO on the Flood Insurance Rate Map (FIRM), adequate drainage paths around structures on slopes will be required to guide floodwaters around and away from proposed structures. (Added by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

i. Man-made alteration of sand dunes within Zones V1-V30, VE, and V which would increase potential flood damage is expressly prohibited. (Added by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

j. All subdivision proposals, regardless of zone, will be reviewed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards. (Added by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

4. Notification Requirements: In a riverine situation, the Ipswich Department of Planning and Development shall notify the following of any alteration or relocation of a watercourse:

a. Communities of Essex, Gloucester, Topsfield, Boxford, Rowley, and Hamilton

b. NFIP State Coordinator
Massachusetts Office of Water Resources
100 Cambridge Street
Boston, MA 02202

c. NFIP Program Specialist
FEMA Region I, Room 462
J.W. McCormack Post Office & Courthouse
Boston, MA 02109

(Section 4. added by 10/18/99 Special Town Meeting; approved by Attorney General 1/5/00)

E. Common Driveways

1. Purpose

The purposes of providing access to no more than two residential lots over a common driveway, rather than by individual driveways on each lot, are:

a. to enhance public safety by reducing the number and frequency of points at which vehicles may enter upon the ways used by the public, particularly arterial streets as defined in the Rules and Regulations Governing the Subdivision of Land in Ipswich, Massachusetts;

b. to preserve, protect and enhance environmentally sensitive land, such as well recharge areas, wetlands and flood plains, by reducing the area of land that is cleared, excavated, filled and/or covered with impervious surface;

c. to encourage the protection and preservation of significant natural features and vistas.

2. Applicability and Requirements

Common driveways serving no more than two lots, each with approved frontage on a street, are allowed as-of-right provided they meet the following requirements: (Amended 10/19/09 Special Town Meeting; approved by AG 2/16/10)

a. The common driveway shall not be in excess of five hundred (500) feet in length.

b. The common driveway shall not enter any roadway at a point separated by less than one hundred (100) feet from an intersection. On a state-numbered highway, the common driveway shall not enter the roadway at a point separated by less than one hundred (100) feet from any other driveway, curb cut, or intersection.

c. The common driveway shall not be allowed if it would serve as the primary means of access to property which is publicly controlled or which serves a public purpose.

d. Permanent signs indicating the street number address assigned to each lot served by the common driveway shall be installed within ten (10) feet of the intersection of the common driveway with the street, as well as within ten (10) feet of the intersection of an individual lot driveway with the common driveway.

e. The common driveway shall access the property over the frontage of either or both of the lots being served by the driveway.

f. The owners of the properties to be served by the common driveway must provide evidence to the Building Inspector that they have rights, either by deed or perpetual easement, to the common driveway.

g. The common driveway shall be no less than twelve (12) feet in width and shall be treated with an all-weather surface. The width requirement shall apply only to that portion of a driveway which is used in common by more than one (1) lot. (Added by 4/07/97 Annual Town Meeting; approved by Attorney General 7/02/97)

F. Adult Entertainment Establishments

(Added by October 21, 1996 Special Town Meeting and approved by the Attorney General December 9, 1996)

1. Purpose and Intent

It has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that Adult Entertainment Establishments are distinguishable from other business uses and that the location of adult entertainment uses degrades the quality of life in the areas of a community where they are located. Studies have shown secondary impacts such as increased levels of crime and blight resulting from the clustering and concentration of Adult Entertainment uses. Late night noise and traffic also increase due to the late hours of operation of many of these Establishments. This subsection is enacted pursuant to MGL Chapter 40A, Section 9 and the Home Rule Amendment to the Massachusetts Constitution with the purpose and intent of regulating and limiting the location of Adult Entertainment Establishments (as defined herein) so as to prevent the secondary effects

associated with these establishments, and to protect the health, safety, and general welfare of the present and future inhabitants of the Town of Ipswich.

The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the intent or effect of this subsection to restrict or deny access by adults to sexually oriented matter or materials protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor restrict nor deny rights that distributors or exhibitors of such matter or materials may have to sell, distribute, or exhibit such matter or materials. Neither is it the intent or effect of this subsection to legalize the distribution of obscene matter or materials.

2. Applicability

This subsection applies to all Adult Entertainment Establishments, as defined in Section 9A of MGL Ch. 40A.

3. Regulations and Standards

No special permit may be granted by the Planning Board for any Adult Entertainment Establishment unless the following conditions are satisfied:

a. Adult Entertainment Establishments shall not be located less than 300 feet from the nearest property line of residentially-zoned property nor less than 500 feet from the nearest property line of:

(1) Another Adult Entertainment Establishment
(2) Public or Private Nursery School, Day Care Center, or Kindergarten
(3) Public or Private Elementary Schools or Secondary Schools
(4) Playgrounds
(5) Churches or other religious facilities
(6) Library
(7) Any establishment licensed under the provisions of Section 12 of MGL, Ch.138.

b. All building openings, entries and windows shall be screened in such a manner as to prevent visual access of the public to the interior of the Establishment.

c. All parking areas for Adult Entertainment Establishments shall be in the side or front yards and shall conform to the requirements of Section VII. of this bylaw. All parking areas shall be illuminated and all lighting shall be contained on the Establishment's property. The number of parking spaces required for Adult Entertainment Establishments shall be based on the nature of the use, and shall conform to the requirements set forth in the Table of Minimum Parking Requirements for such use.

d. The proposed use and all associated advertising signs shall not be located within fifty (50) feet of a public or private way and must be set back a minimum of fifty (50) linear feet from all property lines.

e. The application for a Special Permit for an Adult Entertainment Establishment under this subsection must include the following information:

(1) Name and address of the legal owner of the Establishment
(2) The number of employees
(3) Proposed security precautions
(4) The physical layout of the premises
(5) Nature of the business

f. Signs for adult use establishments must be non-illuminated and otherwise conform to the requirements of Section VIII. of this bylaw.

g. No special permit shall be issued to any person convicted of violating the provisions of Section 63 of MGL Ch. 119 or Section 28 of MGL Ch. 272.

G. Wireless Communications Facilities

(Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98)

1. Purpose

The purpose of this subsection is to:

(1) minimize the adverse impacts of wireless communication facilities (hereinafter "WCF") on adjacent properties and residential neighborhoods;

(2) minimize the overall number and height of such facilities to only what is essential;

(3) promote shared use of existing facilities to reduce the need for new ones;

(4) encourage the most appropriate use of the land and to guide sound development while promoting the health, safety and general welfare of the Town; and

(5) establish districts in which WCFs may be located.

2. Wireless Communication Districts

To achieve the above purpose, this subsection establishes the following Wireless Communication Districts:

Wireless Communication District A

This overlay district consists of all land located in the Planned Commercial and Limited Industrial Districts, and the following parcels located in the Rural Residence A and Rural Residence B Districts, as shown on the official zoning map for the Town of Ipswich: Assessor's Map 13, Lot 25; and Assessor's Map 51, Lot 7. Within this district all of the requirements of the underlying zoning district(s) continue to apply, with the exception of the maximum height allowance, which is established in paragraph 3. of this section. The following additional uses shall be allowed:

a. Indoor WCFs, allowed as-of-right subject to the dimensional requirements, performance and design standards of this subsection;

b. Building-mounted and existing free-standing WCFs, allowed subject to Site Plan Review from the Planning Board and the dimensional requirements, performance and design standards of this subsection;

c. New freestanding WCFs, allowed subject to a special permit and site plan review from the Planning Board and subject to the dimensional requirements, performance and design standards of this subsection.

Wireless Communication District B

This district consists of the following parcels located in the Central Business, Intown Residence, and Rural Residence A Districts, as shown on the official zoning map for the Town of Ipswich: Assessor's Map 54A, 20; Assessor's Map 23B, Lot 73A; Assessor's Map 42A, 186; Assessor's Map 41B, Lot 216; Assessor's Map 41B, Lot 149A; Assessor's Map 42A, Lot 147; Assessor's Map 42A, Lot 126; Assessor's Map 42A, Lot 127; Assessor's Map 42A, Lot 128; Assessor's Map 42A, Lot 129; Assessor's Map 30D, Lot 21; Assessor's Map 28A, Lot 124; and Assessor's Map 42A, Lot 130. Within this district all of the requirements of the underlying zoning district(s) continue to apply, with the exception of the maximum height allowance, which is established in paragraph 3. of this section. The following additional uses shall be allowed: (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04)

a. Indoor WCFs, allowed as-of-right subject to the dimensional requirements, performance and design standards of this subsection;

b. Building-mounted and existing freestanding WCFs, allowed subject to Site Plan Review from the Planning Board and the dimensional requirements, performance and design standards of this subsection.

3. Dimensional Requirements for WCFs

Freestanding and building-mounted WCFs shall comply with the following dimensional requirements:

a. Freestanding WCFs shall:

(1) not exceed one hundred twenty (120) feet in height, measured from the base of the tower to the highest point of the tower or its projections;

(2) be setback from the property lines of the lot on which it is located by at least one hundred (100) feet measured from the center of the structure of the WCF base;

(3) be located a minimum of three hundred (300) feet from the nearest residential building within a residentially-zoned district; and

(4) be separated from each other by a minimum of two (2) miles.

Based on a clear display that additional height of the tower or reduced setbacks of the tower from buildings or property lines will not adversely affect any purpose of this bylaw and will in fact help to promote the objectives set forth herein, particularly as it relates to co-location, the Planning Board may, by special permit, allow the height of the of the tower to be increased, or the required setbacks or separation reduced, up to a maximum of twenty-five (25%) percent.

b. Building-mounted WCFs shall not:

(1) exceed fifteen (15) feet above the rooftop of a supporting building, including any penthouse, parapet or other similar structure extending above the rooftop;

(2) exceed fifteen (15) feet above the highest point of a water tower;

(3) exceed the highest point of a smokestack.

4. Performance Standards/General Requirements
The following performance standards and general requirements shall apply to all WCFs:

a. Compliance with Federal and State Regulations. All WCFs shall be erected, installed, maintained and used in compliance with all applicable federal and state laws, rules and regulations, including radio frequency emission regulations as set forth in Section 704 of the 1996 Federal Telecommunications Act.

b. Co-location (for the purposes of this subsection, co-location is defined as the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes) of WCFs. WCFs shall be designed to accommodate the maximum number of users technologically practical. Shared use of freestanding, building mounted, or indoor WCFs by commercial carriers is required unless such shared use is shown to be not technologically practical. The intent of this requirement is to reduce the number of separate facilities which will require location within the community. (Amended 10/26/2010 Special Town Meeting; approved by Attorney General 2/24/11)

All owners and operators of land used in whole or in part for a WCF and all owners and operators of such WCF shall, as a continuing condition of installing, constructing, erecting and using a WCF, permit other public utilities or FCC-licensed commercial entities seeking to operate a WCF to install, erect, mount and use compatible WCF equipment and fixtures on the equipment mounting structure on reasonable commercial terms; provided, however, that such co-location does not materially interfere with the transmission and/or reception of communication signals to or from the existing WCF, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional WCF or fixtures.

c. Removal of Abandoned WCF. Any WCF that is not operational for a continuous period of twelve (12) months shall be considered abandoned, and the WCF shall be removed by the owner of the WCF, and the site restored to its original condition, within ninety (90) days of receipt of notice from the Building Inspector notifying the owner of such abandonment.

If such WCF is not removed within ninety (90) days, such WCF shall be deemed to be in violation of this zoning bylaw and the appropriate enforcement authority may begin proceedings to enforce and/or cause removal. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

5. Design Standards

The following design standards shall apply to all freestanding WCFs, except for paragraph a., which shall apply for all exterior WCFs:

a. All exterior WCF equipment and fixtures shall be painted or otherwise screened or colored to minimize their visibility to occupants or residents of surrounding buildings, streets and properties. WCF equipment and fixtures visible against a building or structure shall be colored to blend with such building or structure. WCF equipment and fixtures visible against the sky or other background shall be colored to minimize visibility against such background. The maximum amount of vegetation shall be preserved during construction of any WCF.

b. All freestanding WCFs shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.

c. The only type of freestanding WCFs allowed shall be monopoles, with associated antenna and/or panels. Whenever technologically feasible, antennas shall be mounted flush against a pole, provided that such mounting does not compromise the potential for co-location. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.

d. To the extent feasible all network interconnections from any WCF shall be installed underground, or inside an existing structure.

e. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town. Fencing shall not be of razor wire.

f. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with Section VIII. of this zoning bylaw.

g. Night lighting of freestanding WCFs shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

h. There shall be a maximum of one (1) parking space for each freestanding WCF, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.

i. Accessory buildings and/or storage sheds shall be limited to one building per use per tower. If more than one (1) use, the accessory buildings shall be connected by a common wall. Each building shall not exceed three hundred (300) square feet in size and ten (10) feet in height, and shall be of the same design and color.

j. If the proposed freestanding facility is located in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained for at least fifty (50) feet in width around the entire perimeter of the proposed facility, except for the access road. The Planning Board may require surety to cover the cost of remediation if any landscape is damaged during site clearing. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

6. Special Permit

a. Application Process

(1) All special permit applications for WCFs shall be made and filed on the appropriate application form. For an application to be considered complete, it shall comply with the Rules and Regulations Governing Granting of Special Permits, and shall also provide nine copies of the following information:

(a) A color photograph or rendition of the proposed monopole with its antenna and/or panels. A rendition shall also be prepared providing eight (8) view lines in a one mile (1) radius from the site, shown beginning at true north and continuing clockwise at forty-five (45) degree intervals.

(b) A description of the monopole and the technical, economic and other reasons for the proposed location, height and design.

(c) Confirmation that the monopole complies with all applicable Federal and State standards, including, but not limited to, the Federal Aviation Administration, Federal Communications Commission, Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

(d) A description of the capacity of the monopole including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.

(e) Written documentation that the applicant has examined all wireless facility sites in Ipswich and abutting towns within five miles of any boundary of the Town to determine whether those existing sites can be used to provide adequate coverage and/or capacity to the Town of Ipswich. [For the purposes of this section, adequate coverage shall be that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is >–95dbm. Portions within the area of adequate coverage may have a signal <–95dbm, provided that the signal regains its strength to >–95dbm further away from the base station. Capacity is considered to be 'adequate' if the grade of service is p.05 or better for at least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the WCF in question, where the call blocking is due to frequency contention at the antenna(s)]. The documentation shall include, for each facility site listed, the exact location (in longitude and latitude), ground elevation, height of the facility, output frequency, number of channels, power input, and maximum output per channel. Potential adjustments to these sites, including changes in antenna type, orientation, gain, and height or power output, shall be specified.

The documentation shall also analyze the feasibility of repeaters, in conjunction with all facility sites in Ipswich and abutting towns, to provide adequate coverage and/or capacity to the Town of Ipswich. [For purposes of this section, repeaters shall mean a small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a base station.] Radial plots of all potential repeaters and/or facility sites, as they exist and as adjusted, shall also be provided. (Paragraph (e) added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

(2) Within fourteen (14) days prior to the public hearing, the applicant shall arrange to locate a crane, or an alternative temporary structure approved by the Planning Board, at the site in a manner that replicates the exact height and location of the proposed monopole. The crane or structure shall remain in position for no less than three (3) consecutive days, for at least twelve hours per day. The dates and location of the siting shall be advertised in a newspaper of general circulation in the Town at least fourteen (14) days before the siting, and notice shall be sent to abutting property owners.

b. Review of Alternative Sites

At the Planning Board's request, the Applicant shall examine alternative sites for the location of a wireless facility. Said alternative sites may be identified by the Planning Board, and/or by the Applicant. The purpose of such analysis is to help the Board determine whether alternative sites to the one proposed in the application better satisfy the requirements of 6.c.(1) of this Section. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

c. Review Criteria (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

In addition to applying the Special Permit general conditions described in Section XI., subsection J. of this zoning bylaw, and the standards, requirements, or conditions set forth in this Section IX.G., the Board shall review the special permit application in accordance with the following criteria:

(1) An applicant proposing a freestanding WCF shall prove to the satisfaction of the Board that the visual, economic and aesthetic impacts of the facility on the community will be minimal. The applicant must also demonstrate that the facility needs to be located at the proposed site due to technical, topographical or other unique circumstances. In determining whether to issue a special permit, the Board shall consider the following factors: height of the proposed WCF; the nature of uses adjacent and nearby properties; surrounding topography; surrounding tree coverage and foliage; the visual impact of the facility on the abutting neighborhoods and streets and the impact on existing vistas and natural resources.

(2) No freestanding WCF shall be erected or installed except in compliance with the provisions of this Section. Any proposed extension in the height, or construction of a new or replacement of a facility, shall be subject to a new application for a special permit. The addition of cells, antenna or panels to an existing facility does not require the issuance of a special permit but is subject to site plan review.

d. Conditions of Approval (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

The following conditions of approval shall apply to all grants of applications for WCFs that require a Special Permit as indicated by the above Table of Uses in paragraph 2. herein:

(1) Annual certification must be provided to the Town's Director of Code Enforcement which demonstrates continuing compliance with the standards, rules and regulations of the Federal Communications Commission, Federal Aviation Administration, National Institute of Standards and Technology, Massachusetts Aeronautics Commission, Massachusetts Department of Public Health, and other applicable federal, state and local laws.

(2) If a free-standing, exterior WCFs to be placed on municipal property the following conditions must be satisfied:

(a) Certificate of insurance for liability coverage in the amounts of 1 million dollars must be provided naming the Town as an additional insured.

(b) An agreement whereby the user indemnifies and holds the Town harmless against any claims for injury or damage resulting from or arising out of the use or occupancy of the Town owned property by the user.

(c) A cash bond in a reasonable amount determined and approved by the Board shall be in force to cover removal of WCF and restoration of site to the condition that the premises were in at the onset of the lease, when use of said WCF becomes discontinued or obsolete. The amount is to be payable to the Town in the event that the user breaches the agreement in Section 5, paragraph c. above.

(3) A maintenance bond shall be posted for the access road, site and monopole in amounts approved by the Board.

e. Upon receipt of a special permit application, the Planning Board may hire independent consultants, at the applicant's cost, to help it determine whether the application satisfies paragraph 6.c. (1) of this Section. The applicant's signature on the special permit application shall constitute the applicant's agreement to pay such charges. These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: telecommunications engineering; civil engineering; structural engineering; land use planning; and/or landscape architecture. The Town of Ipswich reserves all assignable rights in contract against the applicant, including the right to interest, legal fees, and costs of collection, in the event that the applicant fails to make timely payment. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02

In addition to the above, the Board may impose additional conditions as needed to minimize any adverse impacts of the proposed WCF.

7. Exemptions

The following types of WCFs are exempt from this Section G:

a. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that: (1) the tower is not used or licensed for any commercial purpose; (2) the tower must have a cost or replacement value of less than $10,000.00; and (3) the tower must be removed if the use is discontinued for one year.

b. Facilities used for the purposes set forth in M.G.L. c. 40A, section 3.

c. Facilities used by the municipality for the purpose of public safety.

8. Monitoring and Evaluation of Compliance (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

Within thirty days of initial operation of the approved WCF, the Applicant shall pay for an Independent Consultant hired by the Town to monitor the background levels of Electromagnetic Frequency Radiation (EMF) emissions from the proposed facility site and/or repeater locations. The Independent Consultant shall use Monitoring Protocol. A report of monitoring results shall be prepared by the Independent Consultant and submitted to the Planning Board and the Board of Health.

If the monitoring of the facility site reveals that the site exceeds the FCC 96-326 standard, then the owners of all facilities using the site shall be so notified. The owner(s) shall submit to the Planning Board and the Building Inspector a plan for reduction of emissions to a level that complies with the FCC 96-326 standard within ten business days of notification of non-compliance. That plan shall reduce emissions to the standard within 15 days of initial notification.

H. Great Estate Preservation Development (GEPD)

(Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98) (Amended by 4/6/98 Annual Town Meeting; approved by Attorney General 6/2/98) (Amended by 4/5/99 Special Town Meeting & 4/5/99 Annual Town Meeting; approved by Attorney General 8/2/99 and 7/28/99, respectively) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

The following density standards and development requirements shall apply to a GEPD approved by a special permit from the Planning Board in lieu of the zoning provisions otherwise applicable in the RRA zoning district.

1. Purpose

The purposes of a Great Estate Preservation Development (GEPD) are to:

a. encourage the preservation and appropriate development of the building and lands of the large estate properties in the RRA District (For the purposes of this subsection, a Great Estate is defined as an architecturally significant residence and its formal landscape features and supporting structures, constructed prior to 1948 and situated on a minimum of sixty [60] acres.);

b. recognize and preserve the design integrity of landscape features, both natural and built, which contribute to the character of a Great Estate;

c. encourage the efficient use of such land in harmony with the natural features of the RRA District;

d. provide an alternative to the subdivision of an estate property for residences;

e. preserve open space for conservation or recreation use, and provide appropriate public access to said open space; and

f. protect natural features which are important to the character of the town, including the vistas of the main corridor roads. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

2. Permitted Uses

The following uses may be permitted in a GEPD by special permit with site plan approval from the Planning Board, as set forth in this subsection:

a. any use listed in the use schedule as an allowable use in the RRA District, whether by special permit or otherwise, except that residential dwellings are allowed only as described in b. below. (Amended by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01)

b. residential dwelling use, provided that: (Added by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05; Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

i. Residential housing shall be clustered, and no individual house lot shall be greater than 20,000 square feet in size; and

ii. No more than thirty percent of the total allowed residential housing units shall be detached single-family dwellings;

iii. At least 10% of the total units are affordable housing as defined in IX.I.3.a.(1) of this zoning bylaw;

iv. Residential dwelling use shall not exceed twenty-five percent (25%) of the maximum floor area which may be developed pursuant to this GEPD zoning, unless said residential use meets the following conditions, in which instance the residential dwelling use shall not exceed fifty-five percent (55%) of the maximum floor area of the GEPD: (a) the residential dwelling use is located in a GEPD which has an area of at least two hundred (200) acres which has remained substantially unchanged in lot configuration and size since December 31, 1996; (b) a minimum of twenty-five (25) affordable housing units shall be built; if the total number of residences constructed exceeds 180 units, the developer shall also provide 15% of the total on-site market units built in excess of this number as affordable housing, or in lieu of

constructing the additional affordable units, subject to the approval of the Planning Board, the developer may contribute a payment of $50,000 for each additional affordable unit to a fund to be used for the purpose of creating or sustaining affordable housing in the Town of Ipswich. Affordable units shall be as defined in iii. above, except that up to one-third of the affordable units may be rented or sold to, and occupied by, households earning up to 120% of the median area household income. At least ten of the affordable units shall be located within the GEPD. Affordable units constructed off-site shall be done so in compliance with Section IX. I. 5. of this zoning bylaw; (c) no more than two hundred thirty-five (235) dwelling units, inclusive of the on-site affordable units, shall be built on-site; (d) no more than 50% of the units may contain more than two bedrooms, and none of the units shall contain more than three bedrooms; and (e) each 1,000 square feet of residential dwelling built in excess of 25% of the maximum floor area shall result in a reduction of 1,000 square feet from the maximum floor area which may be developed pursuant to this GEPD zoning;

c. hotel, conference center. (For the purposes of this subsection, a conference center is defined as a commercial establishment or designated area within a commercial establishment providing space for business or professional conferences, seminars, training or other meetings and customary hotel functions.);

d. medical and dental clinics;

e. health or fitness spa (For the purposes of this subsection, a health or fitness spa is defined as a commercial establishment or designated area within a commercial establishment providing facilities devoted to health and fitness.);

f. school for instruction in golf, tennis, or other sport; golf driving range, provided it is affiliated with a golf course which is a component of the GEPD;

g. multi-family dwelling, provided that no more than 50% of the units may contain more than two bedrooms, and none of the units shall contain more than three bedrooms; (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

h. nursing homes;

i. business and professional offices;

j. retail shops, dining facilities, and similar accessory uses primarily to serve occupants, employees or guests;

k. research offices or establishments devoted to research and development activities; and

l. the processing of products arising out of, or substantially similar to, the research and development activities of a research office or establishment on the same lot; provided, however, that

(1) said use shall require a separate special permit from the Planning Board;

(2) recognizing the unique manner in which each user may conduct its biotechnological processing, any special permit issued for such a use shall be limited to a specific user and any change in control of a corporate user shall require a new special permit for a subsequent user (For the purposes of this subsection, change of control shall be defined as (a) the sale by the user of its operating assets located on the lot to an unaffiliated entity; (b) a merger or consolidation resulting in the stockholders of the user owning less than one-half of the stock of the surviving corporation; or (c) the sale of more than one-half of the issued stock of the user to parties who were not stock-holders of the user at the time of the approval of the special permit);

(3) at no time shall more than fifty (50%) of the constructed floor area be primarily devoted to such processing; and

(4) the Board determines, upon consultation with the Board of Health and the Water Commissioners, that said processing use is not detrimental to the health, safety, and welfare of the community. (Amended by 10/20/08 and 10/17/11 Special Town Meeting; approved by Attorney General 1/28/09 and 2/2/12)

3. Density Standards

a. Minimum Lot Size: A GEPD may be permitted on a lot which:

(1) has an area of at least sixty (60) acres which has remained substantially unchanged in lot configuration and size since December 31, 1996. Contiguous lots may be combined for inclusion in a GEPD, provided that at least one of the lots contains sixty (60) acres and has remained substantially unchanged in lot configuration and size since December 31, 1996. The calculation of minimum lot size shall be done in accordance with paragraph b. (3) below; and

(2) is a great estate as defined in 1. a. above; and

(3) contains buildings constructed prior to December 31, 1996 which contain in aggregate a minimum of 40,000 square feet of existing floor area. For the purposes of this subsection, floor area is defined as the aggregate gross floor area of all floors within all principal and accessory buildings.

b. Floor Area of Development:

(1) New Floor Area: For the purposes of determining the total new floor area which may be developed on the lot, the applicant may construct new floor area in the development such that the total resulting floor area does not exceed the product of 3,000 square feet times the number of dwelling units which could be developed under normal application of one-acre zoning requirements under the "Town of Ipswich Rules and Regulations Governing the Subdivision of Land" and in accordance with Section VI. of this zoning bylaw. The applicant shall provide with the application for special permit a site plan with verifiable soil tests indicating the number of buildable lots possible under detached single-family zoning, the State Environmental Code, Title V, the requirements of the Board of Health, the Wetlands Protection Act, and the Ipswich Wetlands Protection Bylaw and Rules and Regulations**.** Such soil tests shall be conducted as if they were actually percolation tests in accordance with the above-referenced requirements and shall be verified and attested to by a registered professional engineer.

(2) Additional Floor Space for Rehabilitation of Existing Buildings: A GEPD that rehabilitates or renovates all buildings and supporting structures certified by the Historical Commission as having historic or architectural significance may increase allowable floor space by the amount of square footage contained in all existing buildings that are rehabilitated or renovated as part of the GEPD development, except that new floor area developed on the lot may be increased by five (5) square feet for every square foot of floor space contained in buildings and supporting structures certified by the Historical Commission as having historic or architectural significance that are rehabilitated or renovated. The Planning Board may, by special permit, allow relief of the requirement to renovate all of the buildings certified by the Historical Commission as having historic or architectural significance in exchange for the density bonus, without loss of any related bonus square footage for other renovated buildings, except for any bonus square footage associated with the building for which relief is being sought, under the following conditions: (1) Not more than one certified building within a GEPD shall be granted relief from the requirement, and in no instance shall the building be the great estate mansion; (2) Prior to the issuance of the initial GEPD special permit, the building in question shall have been vacant, uninhabitable, and in need of substantial renovation; (3)The Planning Board must determine that the cost of renovating the subject building is so high as to render its renovation financially infeasible; (4) Materials from the building shall be reused in the renovation or rehabilitation of another certified building within the GEPD, and any remaining materials shall be made available at no

cost to the Historical Commission before any material disposal may take place; (5) Photo documentation of the building is provided to the Historical Commission, in accordance with their requirements, prior to its demolition; (6) The Historical Commission must provide the Planning Board its written assent to the building's demolition; (7) No additional floor space shall be derived from the square footage of the building that is demolished; (8) In lieu of the building's preservation, the Planning Board may require the GEPD owner to contribute funds for the purpose of furthering the preservation of historic buildings and/or structures elsewhere in Town. The Planning Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for guidance when reviewing the buildings which have been, or are proposed to be, rehabilitated or renovated. If the Planning Board determines that the reconstruction or replacement of an existing building that has not been certified by the Historical Commission as having historic or architectural significance is more consistent with IX.H.1. than the building's rehabilitation or renovation, then the Applicant may increase allowable floor space by the amount of square footage contained in all existing buildings that is replaced or reconstructed.(Amended by 10/20/03 STM; approved by AG 1/22/04) (Amended by 10/18/04 STM; approved by AG 1/27/05; Amended by 10/17/11 STM; approved by AG 2/2/12)

(3) Wetlands/Coastal Exclusion: For a lot which contains wetlands and/or floodplain, or which is subject to the Rivers Protection Act, only one-half the area which is designated as wetlands and/or floodplain, or is subject to the Rivers Protection Act, may be considered in the lot area calculations. For the purposes of determining lot area, the Federal Insurance Floodplain Maps (FIRM) and the Town of Ipswich General Wetlands Bylaws shall be used to determine floodplain, wetlands, and areas subject to the Rivers Protection Act.

(4) Maximum Density: The total allowable floor area obtained through the application of the formulae described in sub-paragraphs (1) and (2) above, shall not exceed eight percent (8%) of the area of the lot.

4. Building Design Standards

When constructing or renovating buildings in a GEPD, the Applicant is encouraged to make the buildings as energy efficient and eco-friendly as possible. Guidelines for "green" building construction are available from the Town Department of Planning & Development. Applicants are also encouraged to choose building designs and materials that are attractive and which complement the natural landscape. (Amended by 10/18/04 STM; approved by AG 1/27/05)

5. Development Requirements

a. Town Water: The development shall be served by a water system deemed adequate for fire protection and domestic use by the Water Commissioners and by the Fire Chief.

b. Sanitary Sewer/Septic: The development shall be served by the Town's sanitary sewer system or by one or more on-site disposal systems conforming to the State Environmental Code, Title V and the regulations of the Board of Health. If, however, in the judgment of the Board, the topography and/or soil conditions are such that it would be more efficient to allow (1) a private central sanitary sewer system, notwithstanding the lot's location in a Water Supply District, and/or (2) allow an underground common septic system or individual septic systems to be placed in the preserved open space, this configuration may be permitted. Prior to making such judgment, the Planning Board shall seek the review and recommendations of the Board of Health, Department of Utilities, Board of Water Commissioners, and the Conservation Commission. If a GEPD is located within a Water Supply District and a private central sanitary sewer system is proposed, the Planning Board shall not approve a special permit under this subsection unless and until said system shall have received a favorable recommendation from the Board of Water Commissioners, which recommendation shall not be unreasonably withheld. All systems are further subject to approval by the Board of Health and any other governmental authority having jurisdiction.

c. Open Space Restriction: A minimum of forty (40%) percent of the lot shall either be:
(Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

(1) conveyed to the Town of Ipswich and accepted by it for open space use;

(2) conveyed to the Commonwealth of Massachusetts as part of a state forest, park, or wildlife management area;

(3) conveyed to a non-profit corporation, the principal purpose of which is the conservation of open space, and made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts;

(4) made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts running in favor of either the Town or, upon the approval of the Planning Board, a non-profit corporation, the principal purpose of which is the conservation of open space. The conservation restriction shall provide that such land shall be kept, in perpetuity, in an open or natural state, in accordance with the above-noted sections of Chapter 184 of the General Laws.

In designating the open space, the applicant shall apply the guidelines adopted by the Planning Board in May of 1997, entitled CRITERIA FOR EVALUATING PROPOSED OPEN SPACE. At least a portion of the open space shall be available for use by the general public, unless the applicant can provide compelling reasons to the Planning Board why such access would be infeasible. If it is deemed necessary to achieve the purposes of this subsection, the Planning Board may increase the open space minimum requirement by not more than ten (10) percent.

d. Dimensional Regulations

(1) A minimum setback of one hundred (100) feet shall be provided between a GEPD and abutting lots, and a buffer strip consisting of vegetated area with a minimum depth of one hundred (100) feet shall be provided between the GEPD and any street line. An entry drive, along with a gate house and appropriate signage, may be permitted within the buffer strip. If a boundary line of the GEPD is adjacent to permanent open space, such as Town, State, Federal or privately-restricted open space, the Planning Board may require that the first thirty (30) feet of the setback from such open space be a landscaped buffer. The Planning Board may decrease or increase by not more than twenty percent (20%) any buffer area requirement if, after site plan review by the Board, the Board deems such action to be reasonable and appropriate.

(2) The area developed for commercial use, including buildings, parking, outdoor recreational structures, and areas paved for vehicular use, shall not exceed twenty percent (20%) of the total area of the lot. Walking or bicycle trails shall not be counted in the calculation of the 20% limitation.

(3) The development shall be subject to site plan review in accordance with the provisions of Section X.

(4) Newly constructed or renovated buildings in a GEPD may be four stories in height, provided that the building height does not exceed the maximum height allowed under Section VI. G. 2. of this bylaw.

(5) Notwithstanding anything to the contrary contained in this zoning bylaw, in granting a special permit and site plan approval for a GEPD, the Planning Board may reduce any of the foregoing dimensional requirements, or increase the height requirement, to a maximum of twenty-five percent (25%), provided that in no instance shall a building contain more than four stories.

(6) Newly constructed buildings in a GEPD, other than gatehouses, shall be setback at least two hundred fifty (250) feet from a public way.

e. Streets and Further Subdivision: Any subdivision of the GEPD which is subject to MGL C.41 shall be in accordance with the Rules and Regulations Governing the Subdivision of Land in the Town of Ipswich. After issuance of a GEPD special permit and site plan approval, and establishment of the required open space for the GEPD, as a whole, the GEPD may be subdivided into lots which may be less than sixty (60) acres and may be held in separate ownership, provided that each portion of the subdivided site remains subject to all of the applicable terms and conditions of (1) the GEPD special permit, and (2) the site plan approval for the improvements on such portion of the site.

f. Phasing: Phasing of the GEPD, as approved by the Planning Board, shall be permitted either pursuant to phasing described in the initial special permit application or in subsequent special permit or site plan review applications. The special permit and site plan approval shall not be deemed to have lapsed so long as the applicant shall have commenced use of the Great Estate Preservation special permit or site plan approval in substantial accordance with the phasing time frames set forth in the special permit and site plan approval application. The Planning Board shall have the authority to require a performance bond or other similar mechanism if it determines that such a mechanism is necessary to ensure that the key components of the project are satisfactorily completed.

6. Special Permit Application Process

All special permit applications for GEPD shall be made and filed on the appropriate application form. For an application to be considered complete, it shall provide all information required by the Rules and Regulations Governing Granting of Special Permits, available from the Department of Planning and Development, and by any regulations adopted in accordance with paragraph 9 below.

The special permit application shall also be accompanied by a certification from the Historical Commission of all historically and/or architecturally significant buildings, landscape features and supporting structures located on the site, said certification to be based on the criteria set forth in Chapter XVI. of the General Bylaws of the Town of Ipswich; and by nine copies of a site development report, which shall summarize how the proposed GEPD satisfies the special permit criteria being considered by the Planning Board. The site development report should include, at minimum, an inventory of natural resource features, wildlife and their habitat; an inventory of the Great Estate consistent with current standards required for documentation for nomination to the National Register of Historic Places, and a general inventory of all other existing buildings, structures and landscape features; and an outline of how the following issues and impacts will be addressed by the development: (a) pedestrian and vehicular access to the site; (b) public safety issues; (c) provision of landscaping/buffering; (d) protection of wildlife habitats; (e) provision of utilities; (f) open space and recreation; (g) water supply and drainage issues; (h) layout and density of site development; (i) the preservation and rehabilitation of the exterior features, character and structural integrity of the Great Estate, and the open space, vistas, stonework, gardens, and other historic landscape features and supporting structures associated with the Great Estate; and (j) building design and materials, including exterior elevations of existing and proposed buildings. To the extent possible, the information provided in the report shall be shown in map form, accompanied by written narrative.

7. Review Criteria

In addition to applying the special permit general conditions described in Section XI., subsection J., of this zoning bylaw, and the standards, requirements, or conditions set forth in this Section IX. I., the Board shall review the special permit application in accordance with the following criterion: the proposed GEPD will, by its design and layout, succeed in (a) preserving open space for conservation and/or recreation purposes, and providing appropriate public access to the open space; (b) protecting natural features of the land which are important to the character of the town; and (c) preserving the buildings, structures, and landscape features of the large estate properties in the RRA District.

8. Preliminary Review

Prior to submitting a special permit application to the Planning Board for a GEPD, the applicant is strongly encouraged to submit a preliminary concept plan for review by the Planning Board and a Development Review Committee appointed by the Town Manager. The preliminary review shall provide an opportunity for the applicant to identify early in the process the preferences of the Planning Board and Review Committee relative to the development of the site. The Review Committee shall include the chairs of the Conservation Commission, Open Space Committee, Bay Circuit Trail Committee, and Historical Commission, or their designees; the Directors of the Town Departments of Utilities, Code Enforcement, Public Works, Public Safety, and Planning & Development; a professional architect; a professional landscape architect; a professional civil engineer, and one or more residents from the neighborhood in which the GEPD is proposed.

The preliminary concept plan should show: (a) the location, height, density, and architectural treatment of all buildings proposed for construction or renovation; (b) the size, location and proposed use of the open space; (c) the location of all existing and proposed parking areas and access roads within and without the GEPD; (d) the type and probable location of the proposed utilities; and (e) a delineation of any wetlands or other environmentally-sensitive land on the property. The preliminary concept plan should be accompanied by a certification from the Historical Commission of all historically and/or architecturally significant buildings, landscape features and supporting structures located on the site, said certification to be based on the criteria set forth in Chapter XVI. of the General Bylaws of the Town of Ipswich.

9. Advisory Opinion

Within ten days (10) of receipt of a special permit application for a GEPD, the Planning Board shall transmit copies of the application to the aforementioned Development Review Committee and the Historical Commission, which shall review the application and submit their recommendations to the Planning Board within forty-five (45) days of the referral of the application.

10. Adoption of Rules and Regulations:

The Board shall adopt an application form and rules and regulations in accordance with the provisions of this subsection. Said rules and regulations shall specify the application process, type and number of required plans, and general requirements in order to assist the developer in complying with the intent of this subsection.

I. Inclusionary Housing Requirements

(Added by 10/27/97 Special Town Meeting; approved by Attorney General 2/10/98)

1. Purpose and Intent

The requirements of this subsection are established for the purpose of:

a. increasing the supply of housing in the Town of Ipswich that is permanently available to and affordable by low and moderate-income households;

b. encouraging a greater diversity of housing accommodations to meet the needs of families and other Ipswich residents; and

c. developing and maintaining a satisfactory proportion of the Town's housing stock as affordable units.

2. Applicability (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

The requirements of this subsection I. apply to:

a. Any multi-family residential development subject to approval by special permit; and

b. Any proposed residential development in the RRA**,** RRB, and RRC Districts that would create two or more single-family detached or attached dwellings for which compliance with this subsection I. is required in the Table of Dimensional and Density Regulations (Section VI.). Developments that create only one single-family detached or attached dwelling are exempt from the provisions of subsection I. so that the minimum lot sizes of the new lot and the remaining parcel are 43,560 square feet each, or for large lot exceptions, three acres, provided that a suitable restriction is recorded at the Essex South Registry of Deeds prohibiting the creation of additional units on the property. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

3. Requirements (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

a. Multi-family Residential Development

(1) Ten percent of the units in any multi-family residential development of ten units or more (the "Affordable Housing Units") requiring a special permit shall be sold or rented to households with incomes at or below 80 percent for for-sale housing and 60 percent for rental housing of the Median Regional Household Income (as determined by the U.S. Department of Housing and Urban Development (HUD) pursuant to the Housing Act of 1937, as amended and adjusted for family size), and shall be restricted to sales prices or monthly rents that are affordable to such households. The sales price or monthly rent shall, in all instances, be such that the dwelling unit qualifies as a local initiative unit under the Commonwealth's Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town's subsidized housing inventory under G.L.C. 40B Sec. 20-23. For purposes of this bylaw, rental housing shall be deemed affordable if rents (including utilities or a HUD-approved utility allowance if utilities are paid separately by tenants) do not exceed 30 percent of 50 percent of the gross monthly Median Regional Household Income for a family of four, adjusted for the bedroom size of the unit in accordance with the protocols accepted under Section 42 of the federal tax code. For-sale housing shall be deemed affordable for purposes of this bylaw if it is priced so that monthly principal, interest, tax, and property insurance costs and condominium fees (if applicable) do not exceed 30 percent of 70 percent of gross monthly Median Regional Household Income for a family of four, adjusted for the bedroom size of the unit, using the best generally available mortgage terms and rates for such borrowers. Where the application of this formula results in a fractional housing unit, a fraction of one half of a dwelling unit or more shall be considered as one Affordable Housing Unit; if the fraction is less than one-half of a dwelling unit, each tenth of the fraction shall require the payment of the unit fee specified in (2) below. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

(2) For multi-family residential developments of less than ten units requiring a special permit, the applicant shall, in consideration of such permit, provide either one Affordable Housing Unit in accordance with 3. a. (1), 4., 5., and 6. of this Section I., or pay a fee to the Town to provide affordable housing in Ipswich. The fee shall be calculated on a pro rata basis, and shall be $10,000 per unit for developments up to nine units. The fee may be adjusted by the Planning Board from time to time through the issuance of guidelines or regulations. Such adjustments shall reflect both changes in the median contract price for newly constructed homes in the Northeast U.S., as reported annually by the U.S. Census Bureau, and changes in the maximum sales price for single-family homes developed for sale to households at or below 80 percent of Median Regional Household Income through programs administered by the Massachusetts Department of Housing and Community Development.

b. Single-Family Developments of Ten or More Dwellings

Applicants developing ten or more single-family detached or attached dwellings in the RRA or RRB Districts shall comply with the following requirements:

(1) provide ten percent of the units in accordance with 3.a.(1), 4., 5., and 6. of this Subsection I.; and

(2) obtain an Open Space Preservation Zoning special permit in accordance with the provisions of Section IX.A. of this bylaw.

c. Single-Family Developments of Less than Ten Units

Applicants developing fewer than ten single-family detached or attached dwelling units in the RRA and RRB Districts shall comply with the following requirements:

(1) provide an Affordable Housing Unit in accordance with 3.a.(1), 4., 5., and 6. of this Section I.; or provide an affordable housing fee in accordance with 3.a.(2) of this Section I.; and

(2) obtain an Open Space Preservation Zoning special permit in accordance with the provisions of Section IX.A. of this bylaw**,** unless the development creates fewer than five total dwelling units.

d. Subdivision Approval

Any development application submitted under the provisions of this subsection that involves the subdivision of land shall also be subject to the approval of the Planning Board under the Rules and Regulations Governing the Subdivision of Land in Ipswich.

4. Conditions of Approval (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

a. Continued Affordability
Affordable housing units developed pursuant to this bylaw shall be subject to long-term use restrictions and, where applicable, resale restrictions, to ensure that they remain affordable to low- and moderate-income households for the longest period allowed by law, but in no instance less than ninety-nine years. Such restrictions shall be enforceable by the Town of Ipswich or by a housing-related charitable corporation or trust designed by the Town of Ipswich in accordance with Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws, and shall be executed and recorded at the Essex County Registry of Deeds, Southern District. It is the intent of this bylaw that affordable housing units be restricted and that long-term affordability be enforced in such a manner that affordable units are considered "low and moderate income housing" for purposes of Section 20 of Chapter 40B of the Massachusetts General Laws. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

b. Comparability
Affordable units shall be dispersed throughout the site and shall be indistinguishable from market-rate units except in size, interior finish, fixtures and appliances.

c. Family Units
Except as otherwise provided by the Planning Board, affordable units shall contain a minimum of two bedrooms and shall be in every way suitable for family occupancy.

d. Alternative Requirements
The Planning Board may reduce the required percentage of affordable housing units from ten percent to not less than five percent of the units permitted if such Affordable Housing Units are sold or rented at prices affordable to households at or below fifty percent (50%) of the Median Regional Household Income. The Planning Board may also increase the required percentage of affordable housing units from ten percent to not more than fifteen percent of the permitted units if it determines that federal, state or local subsidies are available to defray the cost to the applicant of providing any affordable units in excess of ten percent. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

5. Off-site Location
With the approval of the Planning Board, the inclusionary housing requirement may be met through the provision of some or all of the required affordable units on an alternative site or sites suitable for housing use. Affordable off-site units shall be newly created and at least equal in

number to the affordable units that would have been provided on-site. Affordable off-site units required by this Section may be located in an existing structure, provided that they do not replace any of the dwelling units contained in the structures. Affordable units provided through this provision shall comply, in all respects other than on-site location, with the requirements of this section and all other requirements of the zoning bylaw. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

6. Compliance

a. Permit Conditions

No special permit shall be issued without appropriate restrictions to ensure that the provisions of this subsection are made binding upon the applicant.

b. Occupancy Conditions

No certificate of occupancy shall be issued for any market-rate units in a development covered by this subsection until all deed covenants and/or other documents necessary to ensure compliance by the applicant with the requirements of this subsection have been executed.

J. Accessory Apartment

1. Purpose and Intent:

The intent of this subsection is to allow accessory apartments in owner-occupied single-family dwellings. Its purpose is to:

a. Add moderately-priced rental units to the housing stock to meet the needs of small households, both young and old;

b. Make housing units available to moderate-income households who might otherwise have difficulty finding housing in the town;

c. Provide older homeowners with a means of obtaining rental income, companionship, security and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.

(Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/15/07 STM; approved by Attorney General 1/23/08)

2. Accessory Apartments by Special Permit

The Zoning Board of Appeals may grant a Special Permit for the alteration of a single family dwelling, whether existing or newly constructed, to include an accessory apartment in any residential district, subject to the following provisions:

a. The apartment will be a complete, separate housekeeping unit that functions as a separate unit from the principal dwelling.

b. The accessory apartment shall contain not more than one (1) bedroom and one (1) bathroom; and the apartment shall not exceed 900 S.F. of gross floor area or 25% of total gross floor area, whichever is less. (Amended by 10/15/07 STM; approved by Attorney General 1/23/08; Amended by 10/17/11 STM; approved by Attorney General 2/2/12)

c. Any new outside entrance to serve an accessory apartment shall be located on the side or in the rear of the building.

d. The apartment shall not be held in, or transferred into separate ownership from the principal dwelling under a condominium form of ownership, or otherwise.

e. The lot, and the dwelling units thereon, shall not be used in any way for any commercial purpose or activity, regardless of other provisions of this bylaw.

f. At least one parking space is available for use by occupants of the Apartment.

g. In the RRA, RRB and RRC Districts, accessory apartments shall not be allowed in single-family dwellings located on lots that are nonconforming for lack of required lot area, unless said lot is at least 15,000 square feet in size. Accessory apartments shall also not be allowed in single-family dwellings located on lots developed under Section IX.A. (OSPZ) of the zoning bylaw, unless the lot is at least 15,000 square feet in size. (Amended by 10/15/07 STM; approved by Attorney General 1/23/08)

h. The alterations shall be limited to only one (1) structure on the lot, the principal dwelling. If the dwelling is located on a lot that does not conform to the dimensional requirements of this bylaw, then the alterations shall not expand the footprint or the envelope of the building, as it existed on the effective date of this bylaw, by more than 25%, or 500 square feet, whichever is less. (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07) (Amended by 10/17/11 STM; approved by Attorney General 2/2/12)

i. The record owner of the lot shall reside on the property, in either the principal dwelling or the accessory apartment. (Amended by 10/15/07 STM; approved by Attorney General 1/23/08)

j. The sanitary disposal system for the accessory apartment and principal structure shall comply with the applicable Ipswich Board of Health and Title V regulations, provided that, compliance of the sanitary disposal system shall not require the application of Subpart E of 310 CMR 15.00, or shall be served by Town sewer. (Amended by 10/19/09 STM; approved by Attorney General 2/16/10)

k. Utilities such as water, electric, and gas necessary for the accessory apartment shall be extensions of the existing utilities serving the principal single-family dwelling. No new utility services or meters shall be installed for the use of the accessory apartment. (Amended by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

l. The Special Permit shall be issued to the record owner of the lot and shall specify that the owner must occupy one of the dwelling units.

m. The Special Permit shall be recorded at the Registry of Deeds or Land Court against the title of the record owner of the lot. Prior to the issuance of a building permit, the applicant must submit proof of the recording of the special permit. (Amended by 10/16/06 Special Town Meeting; approved by Attorney General 1/4/07)

n. Prior to the issuance of a permit, the owner(s) must notify the Building Inspector in writing that the owner will occupy one of the dwelling units on the premises as the owner's permanent/primary residence, except for bona fide temporary absences.

o. When a structure which has received a Permit for an accessory apartment is sold, the new owner(s), if they wish to continue to exercise the Permit, must within thirty (30) day of the sale, submit a sworn and notarized written statement to the Building Inspector stating that they will occupy either the principal dwelling or the accessory apartment on the premises as their primary year-round residence or their sole seasonal residence. This statement shall be listed as a condition on any permits that are issued under this Section. (Amended by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

p. No more than one accessory (1) apartment shall be allowed within a single-family dwelling.

q. The creation of an accessory apartment within a principal single-family residence must be done so that the accessory apartment either shares a common floor-ceiling assembly with the principal dwelling or a common wall connector as defined in Section III. of this zoning bylaw. (Amended by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

Violation of any of the above provisions shall be subject to enforcement by the Building Inspector in accordance with the provisions of Section XI, ADMINISTRATION of the zoning bylaw.

(Section "J" added by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05) (Amended by 10/17/05 STM; approved by Attorney General 12/12/05)

K. Design Review

(Added by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

1. Purpose

The purpose of this section is to preserve and enhance the Town's cultural, economic and historical resources by providing for a detailed review of certain changes in land use, the appearance of structures and the appearance of sites which may affect these resources.

The review procedures are intended to:

a. Enhance the social and economic viability of the Town by preserving property values and promoting the attractiveness of the Town as a place to live, visit and shop;
b. Encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance;
c. Discourage construction that is incompatible with the existing environment; and
d. Encourage creativity and variety in future development.

2. Applicability and Authority

Design Review in accordance with this section shall be required for:

a. Any community facility, commercial, industrial or business buildings which require site plan review or special permit approval;
b. New construction, exterior alteration, or expansion of buildings associated with a special permit application for a Great Estates Preservation Development; and
c. Any special permit application for a multi-family dwelling or multi-family development.

3. Design Review Board

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, a Design Review Board is hereby established. The Design Review Board shall review applications for all actions that are subject to the provisions of this section and shall make recommendations to the appropriate permit granting authority concerning the conformance of the proposed action to the design review standards contained herein. The Design Review Board shall consist of five members, with the following qualifications, if possible: two registered architects, landscape architects or persons with equivalent professional training; one resident who is either a business or commercial property owner/operator, or is a member of an organization representing Ipswich business owners; and one residential property owner. Appointments to the Design Review Board shall be made as follows:

(1) Two members shall be appointed by the Planning Board;
(2) One member shall be appointed by the Historical Commission;
(3) Four members shall be appointed by the Board of Selectmen, two of whom shall be alternates.

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

4. Procedures

Applications for all actions subject to review by the Design Review Board shall be made by submitting a complete application form along with the required application materials to the Planning Department, where forms may be obtained. The application shall be submitted either simultaneously with, or prior to, the submittal of the associated site plan review or special permit application.

a. Submittal: The applicant shall be responsible for submitting the following materials and documentation at the time of application:

(1) Completed Design Review Board application;
(2) Color photographs showing existing buildings and site conditions on and adjacent to the proposed project area;
(3) Building elevations showing the proposed configuration, building materials and colors, and adjacent site/building conditions;
(4) Plans showing the footprint and relationships of structures, including relationship to structures on contiguous lots, exterior circulation and points of entry;
(5) Full lot and building section, including relationship of building height and street width;
(6) Other plans, including landscaping, renderings, models, and detailed drawings which may be necessary to demonstrate what design attributes are being addressed.

Plans shall be to scale and no smaller than fifty (50) feet to the inch. The Design Review Board may waive any and all of the requirements for design submittal and review.

b. Time for Review: Upon receipt of an application for design review, the Design Review Board shall meet with the applicant within twenty-one (21) days. The Design Review Board shall transmit its recommendation~~s~~ in writing to the applicant and the Planning Board within thirty-five (35) days of receipt of the application. Failure by the Design Review Board to make and transmit its recommendation within the thirty-five (35) day period allocated shall be considered a recommendation for approval of the application as submitted, unless the applicant was granted an extension in a public meeting or in writing. Applicants are strongly encouraged to request a preliminary consultation with the Design Review Board prior to submission of a formal application for design review. The purpose of a preliminary meeting is to discuss design alternatives during the early planning stages. Such a request may be made by submitting one or two preliminary design alternatives in rough sketch form to the Planning Office, which shall immediately transmit them to the Design Review Board. The Design Review Board shall meet with those requesting preliminary consultations within twenty-one (21) days of receipt of a written request.

c. Exemption: No design review shall be required in those instances where the Design Review Board determines that specific actions subject to paragraph 2. above do not constitute substantial alterations to the form or appearance of a building or site, and where no new or additional requirements of the zoning bylaw must be met for the proposed action.

d. Recommendation: If the special permit granting authority elects to disregard the recommendation of the DRB, it shall explain its rationale for taking such action in its decision and/or minutes.

5. Design Review Principles and Standards

The design review principles and standards described in this section are intended to guide the applicant in the development of site and building design and the Design Review Board in its review of proposed actions. These principles and standards shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention or innovation. Compatibility as used below does not demand conformity or homogeneity. The Design Review Board is specifically precluded from mandating any official aesthetic style for Ipswich or for imposing the style of any particular historical period. The design review principles and standards shall apply to all actions reviewable under paragraph 2. above.

a. Standards: When reviewing an application, the Design Review Board shall consider the guidance of the Town Character Statement, as well as the following standards:

(1) Height – The height of any proposed alteration should be compatible with the style and character of the building, structure or site being altered and that of the surroundings.

(2) Proportions – The proportions and relationships 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 and that of the surroundings.

(3) Relation of Structures and Spaces – The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surroundings.

(4) Shape – The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of a building or site and that of its surroundings.

(5) Landscape – Any proposed landscape development or alteration should be compatible with the character and appearance of the surrounding area. Landscape and streetscape elements, including topography, plantings and paving patterns, should provide continuity and definition to the street, pedestrian areas and surrounding landscape.

(6) 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 surroundings. The scale of ground-level design elements such as building entryways, windows, porches, plaza, parks, pedestrian furniture, plantings and other street and site elements should be determined by and directed toward the use, comprehension and enjoyment of pedestrians.

(7) Directional Expression – Building facades and other architectural and landscape design elements should be compatible with those of others in the surrounding area with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.

(8) Architectural and Site Details - Architectural and site details including signs, lighting, pedestrian furniture, planting and paving, along with materials, colors, textures and grade should be treated so as to be compatible with the original architectural and landscape design style of the structure or site and to preserve and enhance the character of the surrounding area. In the downtown business districts, these details should blend with their surroundings to create a diverse, functional and unified streetscape.

(9) Signs - The design of signs should reflect the scale and character of the structure or site. Signs should simply and clearly identify individual establishments, buildings, locations and uses, while remaining subordinate to the architecture and larger streetscape. The choice of materials, color, size, method of illumination and character of symbolic representation on signs should be compatible with the architectural or landscape design style of the structure or site.

(10) 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.

In addition to the design review standards described above, the Design Review Board shall develop additional guidelines providing further detail and illustration of these design review standards. The guidelines, when developed, will be made available to the public upon request from the Planning Office.

6. Rules and Regulations

The Design Review Board shall promulgate and publish such Rules and Regulations as are deemed appropriate and consistent with the provisions of this bylaw.

L. Home Occupations

(Added by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

1. Purpose

The conduct of home occupations may be permitted under the provisions of this section. It is the intent of this section to allow home occupations which are and will continue to be clearly incidental and secondary to the principal use of the dwelling unit or the permitted accessory structure. The essential component of a home occupation is that it does not detract from the character of the existing land use.

2. General Standards

Home occupations are permitted only if they conform to the following conditions:

a. The home occupation shall be carried out only inside the principal dwelling, with the exception of yards used in conjunction with a family day care, and except as described in 3. below.

b. Except for a family day care, no more than twenty percent (20%) of the floor area of the residence shall be used for the purpose of the home occupation.

c. Not more than one (1) person not a member of the household shall be engaged in the home occupation.

d. There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or other variation from the residential character of the principal building other than an unlighted sign not to exceed two (2) square feet in area.

e. No equipment or process shall be used which creates offensive noise, vibration, smoke, dust, odors, fumes, heat or glare detectable to the normal senses off the premises.

f. No equipment or process shall be used which creates electrical interference in household devices off premises.

g. Traffic generated shall be accommodated off street, but not more than two (2) parking spaces shall be located within the front yard of the property.

h. No stock in trade shall be sold on the premises unless it is produced on the premises.

i. All materials and products shall be stored only within the dwelling, except as described in 3. below.

j. No more than one (1) commercial vehicle and one enclosed or flat bed trailer up to sixteen (16) feet in length and associated with a commercial activity may be parked on the property. Commercial vehicles shall be limited to the following types: passenger car, mini van, van, sport utility vehicle (SUV), pick-up truck or other truck not to exceed 14,000 pounds gross vehicle weight (GVW). If more than one commercial vehicle is parked on the property, at least one shall be parked in a garage or enclosed structure. Any commercial vehicle not parked in a garage shall be parked in a driveway that is at least five feet from any lot line and at least 15 feet from any off-premises dwelling, or within a screened area in a side or rear yard that effectively screens the vehicle from view.

k. The use or storage of heavy equipment or vehicles (over 14,000 lbs GVW) in weight, or enclosed or flatbed trailers greater than sixteen (16) feet in length, is expressly prohibited.

l. The principal residence of the owner/operator of every home occupation shall be the dwelling unit on the premises in which the home occupation operates.

m. Except for a family day care, in no case shall the home occupation be open to the public, including clients, visitors and deliveries, at times earlier than 8:00 AM nor later than 8:00 PM.

n. Home occupations should not generate significantly greater traffic volumes than would otherwise be expected in the particular residential area in which the home occupation is located.

o. Artificial outdoor illumination of any kind is prohibited other than outdoor lighting appropriate for residential dwellings.

p. A home occupation shall not allow shipments by vehicles not customarily making deliveries in a residential area.

q. No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials are to be used or stored on the premises in amounts that exceed those that are typically found in normal residential use.

3. Home Occupations Requiring a Special Permit

A special permit from the Zoning Board of Appeals is required for home occupations which are conducted partially or entirely within an accessory building. Any special permit issued for a home occupation pursuant to this subsection 3. shall be subject to the following conditions:

i. All materials and products shall be stored only within the dwelling and/or the accessory building.

ii. For home occupations that are partially or fully contained within an accessory building, the occupied space in the accessory building shall not exceed six hundred (600) gross square feet. The total gross square footage of a home occupation contained within both the dwelling and the accessory building shall not exceed seven hundred fifty (750) gross square feet.

4. Prohibited Occupations/Activities

The following occupations or activities are expressly prohibited as home occupations:

a. servicing, maintenance, or restoration of motor vehicles
b. trucking or warehousing activities
c. ongoing retail, show windows or displays
d. sale of articles, except as provided in 2.h. above
e. animal hospital
f. medical or dental clinics
g. bakery
h. bed and breakfast home or establishment

(Amended by 10/26/10 and 10/17/11 Special Town Meeting; approved by Attorney General 2/24/11 and 2/2/12)

M. Wind Energy Conversion Systems (WECS)

(Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

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.

N. Requirements for Uses Involving Hazardous and Toxic Materials

(Added by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09)

1. Purpose

The purpose of this subsection is to minimize community exposure to hazardous and toxic materials and provide easily accessible information to the public, emergency response personnel, fire department and other Town officials concerning such materials which are being used, stored or managed by any local persons or business. It is also the intent of this bylaw to protect, preserve and maintain the existing and potential groundwater recharge areas and surface drinking water supplies within the Town from contamination by hazardous and toxic materials.

2. Definitions

The following terms used in this section are defined in SECTION III. of the zoning bylaw, within the definition of Hazardous and Toxic Materials: hazardous wastes, hazardous materials, explosives, flammable and combustible liquids, flammable solids, and flammable gasses.

For the purpose of this subsection, “NFPA 704” means section 704 of the National Fire Protection Agency’s National Fire Code, as amended, which establishes an industry standard for the identification and storage of materials that create a fire hazard.

3. Reporting

a. Any use permitted by this zoning bylaw which:

(i) processes, treats, and/or stores hazardous and toxic materials, including hazardous wastes, explosives, flammable and combustible liquids, flammable solids and flammable gasses, in quantities totaling more than fifty (50) gallons liquid volume or two hundred and fifty (250) pounds dry weight; or

(ii) processes, treats, and/or stores extremely hazardous materials that are included on *The List of Extremely Hazardous Substances and their Threshold Planning Quantities* (Federal Regulation 40 CFR Part 355, Appendices A and B) in quantities that equal or exceed the *Reportable Quantity* established by that list;

shall report and submit hazardous and toxic material inventory information with the Ipswich Fire Department. The inventory information requirements shall include, but not be limited to, the material's common or product name, chemical name, storage location, storage method, and maximum daily amount. For substances which are classified as hazardous wastes, the hazardous waste number and waste identification will substitute for the product and chemical names.

b. Reporting required by this provision shall be initially submitted to the Ipswich Fire Department within ninety (90) days of the effective date of this bylaw and annually thereafter during the month of January.

c. Any use which has not previously been reported in accordance with subsection 3.a. shall, once it achieves the threshold reporting requirement, be registered within thirty (30) days.

d. In addition to reporting, owners or operators of any use registered in accordance with this subsection shall maintain on the premises an inventory, reconciled on a quarterly basis, of purchase, use, sale (excluding sales made in the ordinary course of business) and disposal of hazardous materials. After one (1) year of operation, the Planning Board may, by special permit, allow reconciliation less frequently than quarterly, but in no instance shall reconciliation occur less than once per year. (Amended 10/26/2010 Special Town Meeting; approved by Attorney General on 2/24/11)

e. Upon the request of the Fire Department or the Ipswich Board of Health, owners or operators shall produce the latest reconciled inventory within one (1) business day.

f. Any use which processes, treats, and/or stores hazardous and toxic materials as described in subsection 3.a. above shall also comply with the provisions of NFPA 704, as amended.

g. The provisions of subsections 3.a. through 3.e. are not intended to contradict, replace, or invalidate conditions set by any Town Special Permit Granting Authority or any State or Federal regulations relating to the use, storage, or monitoring of hazardous materials.

4. Special Permit

a. Any use permitted by this zoning bylaw which:

(i) processes, treats, and/or stores hazardous and toxic materials, including hazardous wastes, explosives, flammable and combustible liquids, flammable solids and flammable gasses, in quantities totaling more than two hundred (200) gallons liquid volume or one thousand (1,000) pounds dry weight; or

(ii) processes, treats, and/or stores extremely hazardous materials that are included on *The List of Extremely Hazardous Substances and their Threshold Planning Quantities* (Federal Regulation 40 CFR Part 355, Appendices A and B) in quantities that equal or exceed the *Threshold Planning Quantity* established by that list;

shall be allowed only by special permit from the Planning Board.

b. In addition to the criteria for Special Permit defined in subsection IX.J.2. of this zoning bylaw, the Planning Board may issue a special permit only upon finding that the proposed use shall in no way adversely affect the existing or potential quality or quantity of water, and that adequate safeguards have been taken to minimize public exposure to hazardous materials and to reduce the risk of fire hazard.

c. The provisions of subsection 3. above shall remain applicable to storage of hazardous materials approved by special permit. The Planning Board may require additional reporting or monitoring restrictions as a condition of special permit approval.

d. Any proposed processing, treatment and/or storage of hazardous materials within a Water Supply Protection District which was denied a special permit pursuant to subsection IX.C. of this zoning bylaw is ineligible to obtain a special permit under the provisions of this subsection IX.N.

5. Water Supply Protection Districts

This subsection is intended to complement subsection IX.C. Water Supply Protection Districts of this zoning bylaw, which restricts all use of certain hazardous materials in specified overlay districts. Establishments that process, treat, and/or store hazardous materials in Water Supply Protection Districts must satisfy the provisions of IX.C. before reporting prescribed in subsection 3. above will be permitted.

6. Exclusions

The provisions of this subsection IX.N shall not apply to any use which:

a. processes, treats, and/or stores hazardous materials, hazardous wastes, explosives, flammable and combustible liquids, flammable solids and flammable gasses, in quantities totaling fifty (50) gallons liquid volume or less, or two hundred fifty (250) pounds dry weight or less.

b. stores fuel oil or propane fuel in conformance with Massachusetts Fire Prevention Regulations and regulations of the Ipswich Board of Health for the sole purpose of heating buildings located on the site, or to supply an emergency generator.

c. stores or distributes propane, fuel oil, gasoline, and/or diesel fuel, provided that said use conforms to all other applicable local, state, and federal regulations.

d. requires a special permit under subsection IX.C. of this zoning bylaw.

7. Regulations and Fees

The Ipswich Fire Department may adopt reasonable rules and regulations and administrative fees for the reporting of hazardous and toxic materials pursuant to this subsection.

O. Green Space Preservation Development District

(Added by 10/20/08 Special Town Meeting; approved by Attorney General 1/28/09) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10)

1. Purpose

The purpose of this subsection is to:

a. expand the Town's economic base by providing opportunities for appropriately sited and designed non-residential uses;

b. encourage the preservation and appropriate development of certain large properties in the RRA and RRC District;

c. encourage the efficient use of such land in harmony with the natural features of the RRA and RRC District;

d. protect the rural character and vistas of the Town's roads, especially its main corridors;

e. provide an alternative to the subdivision of a large tract for residences;

f. preserve open space for conservation or recreation use; and

g. protect natural features which are important to the character of the town.

2. Green Space Preservation Development District

To achieve the above purpose, this subsection establishes the Green Space Preservation Development District (GSPDD). The GSPDD is an overlay district, superimposed on the following parcels located in the Rural Residence A and Rural Residence C Districts, as shown on the official zoning map for the Town of Ipswich: Assessor's Map 20B, Lot 30A; Assessor's Map 20B, Lot 31; and Assessor's Map 21, Lot 28. Within this district all of the requirements of the underlying zoning district(s) continue to apply. The following uses shall be allowed by special permit and site plan approval from the Planning Board, subject to the standards described in subsections 3 through 9:

a. Miscellaneous professional and business offices and services;

b. Research offices or establishments devoted to research and development activities;

c. The processing of products arising out of, or substantially similar to, the research and development activities of a research office or establishment on the same lot; provided, however, that the Board determines, upon consultation with the Board of Health and the Water Commissioners, that said processing use is not detrimental to the health, safety, and welfare of the community.

3. Density Standards

a. Floor Area of Development: For the purposes of determining the total new floor area which may be developed on the lot, the applicant may construct new floor area in the development such that the total resulting floor area does not exceed the product of 3,000 square feet times the number of dwelling units which could be developed under application of single-family zoning requirements under the "Town of Ipswich Rules and Regulations Governing the Subdivision of Land" and in accordance with Sections VI., I.X.A. and IX.I. of this zoning bylaw. The Applicant shall submit a "Yield Plan" which indicates the maximum number of lots achievable under a layout which generally complies with the 'Town of Ipswich Rules and Regulations Governing the Subdivision of Land, without altering any land areas in which such activity would be precluded by normal application of state and town laws and regulations governing wetlands and riverfront areas, or by the existence of floodplain areas. In unsewered areas, the Applicant shall provide evidence acceptable to the Planning Board that individual on-site wastewater treatment and disposal systems may be permitted and constructed to serve all the lots proposed under the "Yield Plan" as submitted. This evidence shall include a demonstration of suitable soil and groundwater conditions through representative sampling and testing of the buildable areas of the site by means and methods approved by the Board of Health and shall at a minimum consist of one determination of soil permeability and one observation of maximum ground water elevation per one acre of otherwise buildable land, such tests being distributed with reasonable uniformity over the site.

b. Additional Floor Space: If the proposed use(s) allowed in a GSPDD pursuant to 2. above provides more open space than is required by 5.c. of this subsection, then the new floor area to be developed on the lot may be increased by ten percent (10%) for every five percent (5%) of additional satisfactory open space provided.

c. Maximum Density: The total allowable floor area obtained through the application of the formulae described in sub-paragraphs a. and b. above, shall not exceed ten percent (10%) of the area of the lot.

4. Building Design Standards

When constructing or renovating buildings associated with uses allowed in a GSPDD pursuant to 2. above, the Applicant is encouraged to use green design and construction techniques that reduce consumption of natural resources such as water and energy, improve the efficiency and longevity of building systems, and minimize negative impacts on the environment and public health.

Applicants are also encouraged to choose building designs and materials that are attractive and which complement the natural landscape.

5. Development Requirements

a. Town Water**:** The development shall be served by a water system deemed adequate for fire protection and domestic use by the Water Commissioners and by the Fire Chief.

b. Sanitary Sewer/Septic: The development shall be served by the Town's sanitary sewer system or by one or more on-site disposal systems conforming to the State Environmental Code, Title V and the regulations of the Board of Health. If, however, in the judgment of the Board, the topography and/or soil conditions are such that it would be more efficient to allow (i) a private central sanitary sewer system, notwithstanding the lot's location in a Water Supply District, and/or (ii) allow an underground common septic system or individual septic systems to be placed in the preserved open space, this configuration may be permitted. Prior to making such judgment, the Planning Board shall seek the review and recommendations of the Board of Health, Department of Utilities, Board of Water Commissioners, and the Conservation Commission. If a use is proposed within a portion of the GSPDD that is located within a Water Supply District and a private central sanitary sewer system is proposed, the Planning Board shall not approve a special permit under this subsection unless and until said system shall have received a favorable recommendation from the Board of Water Commissioners. All systems are further subject to approval by the Board of Health and any other governmental authority having jurisdiction.

c. Open Space Restriction: A minimum of fifty percent (50%) of the lot shall either be:

(i) conveyed to the Town of Ipswich and accepted by it for open space use;
(ii) conveyed to the Commonwealth of Massachusetts as part of a state forest, park, or wildlife management area;
(iii) conveyed to a non-profit corporation, the principal purpose of which is the conservation of open space, and made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts;
(iv) made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts running in favor of either the Town or, upon the approval of the Planning Board, a non-profit corporation, the principal purpose of which is the conservation of open space. The conservation restriction shall provide that such land shall be kept, in perpetuity, in an open or natural state, in accordance with the above-noted sections of Chapter 184 of the General Laws.

In designating the open space, the applicant shall apply the guidelines entitled CRITERIA FOR EVALUATING OPEN SPACE, adopted by the Planning Board and amended from time to time. At least a portion of the open space shall be available for use by the general public, unless the applicant demonstrates to the Planning Board’s satisfaction why such access would be infeasible.

d. Dimensional Regulations:

(i) a minimum setback of one hundred (100) feet of naturally vegetated area shall be provided from all street lines and abutting lots. The required 100 foot buffer strip shall contain sufficient natural or landscape vegetation, i.e., dense evergreen over- and under-story, to effectively screen any development on the site that would otherwise be visible from the streets abutting the property. An entry drive, along with appropriate signage, may be permitted within the buffer strip. The Planning Board may increase by not more than twenty percent (20%) any buffer area requirement if, after site plan review by the Board, the Board deems such action to be reasonable and appropriate.

(ii) the area developed for permitted uses, including buildings, parking, outdoor recreational structures, and areas paved for vehicular use, shall not exceed thirty percent (30%) of the total area of the lot. Walking or bicycle trails shall not be counted in the calculation of the 30% limitation.

(iii) the development shall be subject to design review and site plan review in accordance with the provisions of Section IX.K. and Section X. of this bylaw, respectively.

(iv) newly constructed buildings in a GSPD shall be setback at least two hundred and fifty feet (250) from a public way.

e. Further Subdivision: After issuance of a special permit and site plan approval for any use(s) allowed pursuant to 2. above, and establishment of the required open space for said uses, as a whole, the subject property may be subdivided into lots which may be less than twenty-five (25) acres in size and may be held in separate ownership, provided that each portion of the subdivided site remains subject to all of the applicable terms and conditions of (i) the special permit, and (ii) the site plan approval for the improvements on such portion of the site.

f. Phasing: Phasing of the uses allowed within a GSPDD, as approved by the Planning Board, shall be permitted either pursuant to phasing described in the initial special permit application or in subsequent special permit or site plan review applications. The special permit and site plan approval shall not be deemed to have lapsed so long as the applicant shall have commenced use of the special permit or site plan approval in substantial accordance with the phasing time frames set forth in the special permit and site plan approval application. The Planning Board shall have the authority to require a performance bond or other similar mechanism if it determines that such a mechanism is necessary to ensure that the key components of the project are satisfactorily completed.

6. Special Permit Application Process

All special permit applications for a use(s) allowed in a GSPDD pursuant to 2. above shall be made and filed on the appropriate application form. For an application to be considered complete, it shall provide all information required by the Rules and Regulations Governing Granting of Special Permits, available from the Department of Planning and Development, and by any regulations adopted in accordance with paragraph 10. below.

The special permit application shall also be accompanied by twenty (20) copies of a site development report, which shall summarize how the proposed use(s) satisfies the special permit criteria being considered by the Planning Board. The site development report should include, at minimum, an inventory of natural resource features, wildlife and their habitat; a general inventory of all existing buildings, structures and existing trails; a detailed description of the proposed components of the development; a validated delineation of all wetlands and Riverfront areas on and within 100 feet of the site, and all buffer zones and subzones thereto on the site; and an outline of how the following issues and impacts will be addressed by the development: (a) pedestrian and vehicular access to the site; (b) public safety issues; (c) provision of landscaping/buffering; (d) protection of wildlife habitats; (e) provision of utilities; (f) open space and recreation; (g) water supply and drainage issues; (h) layout and density of site development; (i) building design and

materials, including exterior elevations of existing and proposed buildings; and (j) proposed nature of the commercial activity. To the extent possible, the information provided in the report shall be shown in map form, accompanied by written narrative.

7. Review Criteria

In addition to applying the Special Permit general conditions described in XI.J. of this zoning bylaw, and the standards, requirements, or conditions set forth in this IX.I., the Board shall review the special permit application in accordance with the following criteria: (1) the proposed use(s) within the GSPDD, by its design and layout, succeeds in preserving open space for conservation and/or recreation purposes and protecting natural features of the land which are important to the character of the town, especially the vistas of the road(s) upon which the GSPD takes its frontage; and (2) the use(s) proposed pursuant to this Section IX.O is compatible with any use on the property as of the date of the special permit application.

8. Preliminary Review

Prior to submitting a special permit application to the Planning Board for a use(s) in a GSPDD, the applicant is strongly encouraged to submit a preliminary concept plan for review by the Planning Board and a Development Review Committee appointed by the Town Manager. The preliminary review shall provide an opportunity for the applicant to identify early in the process the preferences of the Planning Board and Review Committee relative to the development of the site. The Review Committee shall include the chairs of the Conservation Commission, Open Space Committee, Bay Circuit Trail Committee, and Historical Commission, or their designees; the Directors of the Town Departments of Utilities, Code Enforcement, Public Works, Public Safety, and Planning & Development; a professional architect; a professional landscape architect; a professional civil engineer; and one or more residents from the neighborhood in which the use(s) is proposed.

The preliminary concept plan should show: (a) the location, height, density, and architectural treatment of all proposed buildings; (b) the size, location and proposed use of the open space; (c) the location of all existing and proposed parking areas and access roads within and without the GSPD; (d) the type and probable location of the proposed utilities; and (e) a delineation of any wetlands or other environmentally-sensitive land on the property.

9. Advisory Opinion

Within ten days (10) of receipt of a special permit application for a use allowed in a GSPDD pursuant to 2. above, the Planning Board shall transmit copies of the application to the aforementioned Development Review Committee, which shall review the application and submit their recommendations to the Planning Board within forty-five (45) days of the referral of the application.

P. Conversion of Accessory Building into Residential Unit

1. Purpose

The purpose of this subsection is to:

a. Allow more efficient use of existing buildings and infrastructure in the IR and RRA districts.
b. Increase the housing stock in existing neighborhoods to provide a mix of housing that responds to changing family needs and smaller households.
c. Increase the supply of affordable housing without significantly changing the character of existing residential areas.
d. Encourage the preservation and maintenance of historically and architecturally significant accessory buildings by permitting their adaptive reuse for residential purposes.

2. Applicability:

An existing accessory building in existence on the effective date of this Section IX.P, and not substantially altered subsequent to the effective date, and located on a lot where the primary building is a single-family or two-family residential dwelling in the IR or RRA district, may be converted to a dwelling unit upon issuance of a special permit by the Planning Board in compliance with the requirements of this subsection. Three family dwellings in the IR District which satisfy the above Applicability requirements, but are unable to meet the dimensional requirements set forth in the Table of Dimensional and Density Regulations in Section VI. of this zoning bylaw, may also apply for a Planning Board special permit in compliance with the requirements of this subsection, provided that the Applicant satisfies at minimum the affordable housing requirement described in Section IX.I.3.a.(2) of this zoning bylaw.

3. Community Benefit:

The Planning Board shall not grant a special permit under this subsection unless the applicant can provide a community benefit as determined by the Board.

a. Any conversion of an accessory building into a residential unit subject to a permanent affordability restriction shall be considered a community benefit. The definition of affordable housing shall be as provided in the zoning bylaw at the time of application, except that the Planning Board has the option to adjust the requirement provided that, at minimum, the proposed unit be affordable to a household earning no more than 80% of area median income.
b. Other potential uses that the Planning Board may find to meet a community need are as follows:
    i. Use of the dwelling unit for a family member, provided that upon the unit being vacated by family, use of the unit shall only be continued as a residential dwelling if it is affordable housing as defined in 3.a. above.
    ii. Applicant pays, to the affordable housing trust, a fee in lieu of providing an affordable unit. The amount of the fee shall be determined by the Planning Board.
    iii. Preservation, renovation, and reuse of an accessory building determined by the Planning Board to have historical or architectural significance.

4. Standards for Reuse:

a. Building: Existing accessory buildings shall not be demolished. In very limited instances, the Planning Board may permit the demolition and reconstruction of an existing accessory building, provided that one of the following conditions is met:

i. The building does not have historical or architectural significance as determined by the Planning Board, and due to the condition of the building, replacement is more economically feasible than renovation. Additionally, the applicant shall be required to provide plans for replacement of a building that is in keeping with the principal building on the lot, as well as other existing buildings in the neighborhood.

ii. If the building does have historical or architectural significance, as determined by the Planning Board, the Board must find that reconstruction is the only economically or physically feasible way of preserving it. Additionally, the building must be reconstructed in a manner that does not, in the opinion of the Planning Board, diminish its historical or architectural significance. Reconstruction can involve, but is not limited to, replication of the original building.

b. Building site: Conversion of the accessory building shall take place on the existing building footprint unless the Planning Board determines it is in the public interest that the building be relocated within the lot boundaries. Instances in which the public interest might be served by relocation include, but are not necessarily limited to, the following:

i. Current building encroaches on required setback.
ii. Relocation does not result in a building moving any closer to existing buildings on abutting properties.
iii. The visual impact of the building on abutting properties is reduced or abutters' views are improved by the relocation of the accessory building.

c. Building envelope: Renovations to the building will be limited to the current envelope except as follows (for the purposes of this subsection, envelope is defined as the three-dimensional space within which a building or building is permitted to be built on a lot and which is defined by regulations governing building setbacks and maximum height and bulk.):

i. Dormers, landing areas, stairs or other similar appurtenances related to the conversion of a non-residential building to a dwelling unit, provided that the appurtenances are either required by the building code, or deemed necessary by the Planning Board to provide sufficient living space for the occupants.
ii. Exterior changes that, in the opinion of the Planning Board, enhance the historical or architectural character of the building.
iii. For expansions otherwise allowed by right if the accessory building was not being converted.
iv. If a proposed conversion satisfies i., ii., or iii. above, the Planning Board may allow the building to be extended beyond the existing envelope subject to the following conditions:

(1) The building does not encroach any further than it currently does on property lines or setbacks, except as it relates to the primary dwelling.
(2) For buildings determined by the Planning Board to have historical or architectural significance, there is no adverse affect on the historical or architectural value of the building.
(3) The change does not substantially alter the visual impact of the building on abutting properties.
(4) In no instance shall the size of the accessory building be increased by more than 15% of its current size, including any appurtenances pursuant to c.i. and c.ii. above.

5. Special Application Process:

All special permit applications shall be made and filed on the appropriate application form. For an application to be considered complete, it shall provide all information required by the Rules and Regulations Governing Granting of Special Permits, available from the Department of Planning and Development. The Board shall hold a public hearing on the application within thirty (30) days of its receipt.

6. Additional Conditions and Considerations

a. Limitation of subdivision: No lot shown on a plan for which a permit is granted under this section may be further subdivided.
b. Deed restriction: Except when the Planning Board determines that a fee shall be paid in lieu of an affordable housing restriction per 3.b.ii. above, or an accessory building has historical or architectural significance and is being preserved, renovated and reused, per 3.b.iii., a deed restriction will be placed on the property to ensure that the affordability of the accessory dwelling unit is maintained.
c. Monitoring: Applicant will be required to submit to the Planning Board, on an annual basis, a letter confirming that the building converted by special permit under this provision is currently occupied by a family member or being used as an affordable dwelling unit if applicable.
d. Mixed use: Certain non-residential uses permitted in the bylaw may be allowed in the accessory building.
e. Design Review Board: The Planning Board may request a consultation with the Design Review Board concerning the conversion of an accessory building to a dwelling unit as specified in this subsection.

X. SITE PLAN REVIEW

(Adopted by Annual Town Meeting 4/6/87)

A. Statement of Purpose

The purpose of this section is to provide for Planning Board review of certain construction projects to ensure that sound site utilization principles are used to provide for and protect the public health, safety, and general well-being, in accordance with Massachusetts General Laws, Chapter 40A.

B. Applicability

(Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

The following types of activities and uses require site plan review by the Planning Board:

1. Construction of any new community facility, commercial, industrial or business building; or any additions or alterations in excess of 2,500 square feet or thirty percent (30%) of the existing gross floor area, whichever is less, which has been constructed within the consecutive two-year period;

2. Construction of any drive-through facility;

3. Any change or intensification of use which increases the parking requirement by ten spaces and/or triggers the requirement of a new loading zone; and

4. Grading, clearing, or other non-residential land development activity except for the following: work incidental to agricultural activities; clearing necessary for percolation and other site tests; or work in conjunction with an earth removal permit.

C. General Standards

In the review of any site plan conducted under this Section, the Planning Board (herein "Board") shall determine that reasonably adequate provisions have been made by the Applicant for the following:

1. Traffic circulation and access;

2. Pedestrian safety and access;

3. Off-street parking and loading which is in compliance with the applicable requirements of the Protective Zoning Bylaw;

4. Emergency vehicle access;

5. Storm water drainage, based upon a professional engineering report, utilizing on-site absorption, and low impact development integrated stormwater management practices wherever practical; (Amended 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

6. Water supply and sewage disposal adequate to support the intended use(s);

7. Screening, including the use of natural land features, plantings, and erosion control;

8. Protection and preservation of existing natural features and vistas; (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

9. Signage and exterior lighting;

10. Visual impact of parking, storage or other outdoor service areas; (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

11. Consistency with character and scale of surrounding buildings; and (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

12. Energy, water and resource efficient design, through appropriate building orientation, landscaping and use of resource efficient materials and energy- and water-efficient systems. (Added by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

Applicants are encouraged to review the Board's rules and regulations for guidance on how to satisfy the above standards. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

D. Submission Procedure

1. Anyone seeking approval of a site plan shall obtain an application and checklist from the Board's Office. Prior to submitting the application, the owner of the subject property, or his or her agent, shall meet with the designee of the Board for the purpose of reviewing the application and the site plan review checklist. Depending on the nature of the application, the designee may encourage the applicant to meet with the Planning Board prior to making a formal submission of plans, to discuss site plan requirements and possible waivers. The Board may provide a set of guidelines to assist the applicant in meeting site plan, architectural, and landscaping objectives. The Applicant shall submit an application and fee to the Planning Board, a copy of which application shall forthwith be filed by the applicant with the Town Clerk. Within five (5) business days of receipt by the Board or its designee, the Board shall distribute copies of the application and accompanying documentation to all appropriate Town boards, departments and commissions. Any comment by such boards, departments or commissions shall be filed with the Board within twenty (20) days of its receipt. (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

2. The Board shall hold a public hearing on the application within thirty (30) days of its receipt. Notice of the hearing shall be given by publication in a newspaper of general circulation in the town and by posting such notice in a conspicuous place in the Town Hall. All costs for publication of the public hearing shall be borne by the Applicant. (Amended by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

3. Within sixty (60) days of the date of filing of the application with the Town Clerk, the Board shall approve or disapprove the site plan as submitted or as amended, unless the site plan review application is submitted coincident with a Planning Board special permit application, in which case the site plan review submission shall be acted upon within the same time period as the special permit application. If the Board does not approve or disapprove the site plan within this period, the site plan shall be deemed approved. If the Board votes to disapprove, the Applicant shall be notified in writing and the specific reasons for disapproval shall be stated. (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02) (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

4. Site Plan Review is an administrative review process that does not provide the Planning Board with discretionary power to deny the proposed use. As such, decisions rendered by the Planning Board are not appealable except at the stage of issuance or denial of a building permit. (Amended by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

E. Submission Requirements

A formal application for site plan review shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review.

2. Eight (8) copies of a site plan stamped by a professional engineer, surveyor or landscape architect and drawn at a scale sufficient to allow review of the items listed under the proceeding general standards, but at not greater than fifty (50) feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

a. Owner's name, address and signature;

b. Names and addresses of all abutting property owners;

c. Locus map showing general location of the site within the Town;

d. Boundary of the entire parcel held in common ownership by the Applicant regardless of whether all or part is being developed at this time;

e. The bearings and distances of all property lines;

f. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts;

g. The location of all existing and proposed buildings with all setbacks;

h. The location, size, and type of all signs and exterior lighting;

i. The lot area of the parcel and street frontage;

j. The location of all existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, trees of 6" caliper or greater, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping;

k. The approximate location of all buildings, intersection roads, and driveways within the two hundred (200) feet of the parcel;

l. A storm water drainage plan showing:

(1) The existing and proposed method of handling storm water run-off;

(2) The direction of flow of the run-off through use of arrows;

(3) The location, elevation, and size of all catch basins, drywells, drainage ditches, swales and other low impact development integrated stormwater management facilities, retention basins, and storm sewers; and (Amended by 10/19/09 Special Town Meeting; approved by the Attorney General 5/17/10)

(4) Engineering calculations used to determine drainage requirements based upon a ten (10) year storm frequency;

m. Existing and proposed topography of the site at one (1) foot contour intervals;

n. A plan showing all provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach field, etc.;

o. An elevation plan of all proposed buildings, including proposed building materials and façade treatment; and (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

p. Location of wetlands, streams, water bodies, areas subject to flooding and unique site features such as specimen trees, viewsheds from public ways, eskers and other glacial features, and historic buildings and sites. (Added by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

3. Copies of any proposed or existing easements.

F. Security Posting

The Board may require the posting, prior to approval of any plan, of security in such form as permitted by Massachusetts General Laws Chapter 41, Section 81U, and in such amounts as are deemed by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan.

G. Technical Consultant Services

The Board may engage the services of a technical consultant(s) to review any site plan when it believes professional review is necessary to accomplish the purpose of this section. The costs for any professional review (other than Town staff review) shall be borne by the applicant. Costs shall be reasonable and in conformance with the Special Municipal Accounts Procedure outlined in the Planning Board's Site Plan Review Application Checklist. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

H. Waiver

The Board may waive, by an affirmative vote of three (3) out of five (5) members, any of the preceding requirements, or any of the dimensional, parking or screening requirements of this bylaw, if it feels that the strict compliance with this section will, because of the size or special nature of the proposed building or structure, create an undue hardship on the applicant and not be in the public interest. (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

I. Compliance

(Amended 10/26/10 Special Town Meeting; approved by Attorney General on 2/24/11)

1. Except as described in 2. below, no final occupancy permit shall be issued for any building or structure, or portion(s) thereof, until:

a. The Building Inspector receives certification from a registered architect, engineer or land surveyor, that all construction, including utilities, has been done in accordance with the approved site plan; and

b. The Building Inspector verifies that all conditions of the approved site plan have been met.

2. Occupancy permits may be issued for a portion of any building or structure, if the only incomplete work shown on the site plan is landscaping and/or roadway top course, and surety in an amount approved by the Planning Board is posted to ensure that the incomplete landscaping and/or roadway top course is completed within a reasonable time. The Planning Board may allow surety to be posted for site work in addition to landscaping and the roadway top course, if an unusual or unexpected event prevents the applicant from completing the site work.

J. Maintenance

All accessways, parking areas, fences, walls, landscaping, lighting, drainage, low impact development integrated stormwater management facilities and waste disposal areas shall be adequately maintained and repaired or replaced wherever and whenever necessary to insure continued compliance with the approved site plan. (Amended 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

K. Site Lighting

Accessways, parking areas, and pedestrian walkways shall have adequate lighting for security and safety reasons. Lighting shall be energy-efficient and arranged and shielded so as to prevent glare from the site shining onto abutting properties and into the sky. (Amended 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08)

L. Site Landscaping

Site landscaping shall conform to the requirements of Section VI.E. and Section VII.P. as well as the requirements of this Section. The minimum total square feet of landscaping for any project approved under this Section shall be twenty (20%) percent of the total impervious surface of the proposed project. The calculated square footage shall be marked clearly on the submitted site plan. Landscaping shall be provided in the following areas of the site:

1. foundation plantings at entry and at building façade facing roadways;
2. parking lot interior (such as planting islands);
3. screening parking areas, loading areas, rubbish removal bins, and outside storage, if applicable; and
4. street line plantings, and perimeter lot line plantings, where applicable.

To the extent feasible or practicable, landscaping should be designed in an environmentally sensitive manner with non-invasive drought tolerant plants, as well as with salt tolerant species where exposed to runoff from parking lots and driveways, so as to promote on-site infiltration of stormwater runoff, and to reduce irrigation, heating and cooling needs. (Amended by 10/15/07 Special Town Meeting; approved by Attorney General 1/23/08) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 5/17/10)

M. Modifications to Approved Site Plans

To request a modification to an approved site plan, an applicant shall submit to the Planning Board a written description of the proposed modifications. Modified site plans will, in most instances, be subject to the same submittal, review and hearing procedures as was the original filing. If the Board determines that a particular modification is not significant and is consistent with the previously approved site plan, the Board may decide not to hold an additional public hearing.

N. Application and Checklist

The Board shall adopt an application form, checklist, and regulations to assist applicants in complying with these provisions. (Amended by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/15/01 Special Town Meeting; approved by Attorney General 2/19/02)

(Paragraph O. removed by 10/26/10 Special Town Meeting; approved by Attorney General 2/24/11)

XI. ADMINISTRATION

A. Enforcement Officer

This bylaw shall be enforced by the enforcing officer, who shall be the Building Inspector. The Building Inspector may institute appropriate legal proceedings to enforce the provisions of this bylaw or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the certificate of use and occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this bylaw.

If the Building Inspector is requested in writing to enforce this bylaw against any person allegedly in violation of same, and he declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

The Building Inspector shall make written biweekly reports to the Planning Board of any determination made by him under the provisions of this bylaw, with copies to the Conservation Commission.

B. Permits, Certificate Required

No building or other structure shall be erected, structurally altered, added to, or moved unless a building permit has been issued. The Building Inspector shall issue no building permit except for work in conformity with the provisions of this bylaw.

No building hereafter erected, altered, or moved shall be used and no change shall be made of the use of any building or any parcel of land, except for the use of land for agriculture, horticulture, floriculture, or silviculture, unless a certificate of use and occupancy signed by the Building Inspector has been granted to the owner or occupant of such land or building (For purposes of this subsection, change of use shall mean any reconstruction, extension, alteration or change to a building heretofore existing that creates a new use group which imposes other special provisions of law governing building construction, equipment or means of egress.)

Such certificate shall not be granted unless the proposed use of the land or building and all accessory uses comply in all respects with this bylaw, and no use shall be made of such land or building except the use or uses authorized by such certificate of use and occupancy.

Whenever any permit or certificate is refused because of some provision of this bylaw, the reason therefore shall be clearly stated in writing.

In interpreting the provisions of this bylaw relative to an application for a specific permit or certificate, the Building Inspector shall consider the provisions applicable on the date of application, except that: no permit for a building or structure for a use not previously acted upon and no Certificate of Occupancy shall be issued by the Building Inspector, if at the time of application for said permit or Certificate, there has been published by the Planning Board, as prescribed by law, notice of a public hearing to consider an amendment to this bylaw at a town meeting to be held within one hundred eighty (180) days of the date of said notice, and if the proposed building, structure or use would be in violation of said proposed amendment. (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93; Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

C. Application Requirements

Every request for a building permit shall be accompanied by a site plan of the lot, drawn to a scale of one (1) inch equals ten (10) feet or other appropriate scale as determined by the Building Inspector. The site plan need not be prepared by a professional engineer but shall be complete, accurate, neatly drawn, and shall contain as a minimum the following information:

1. Owner and applicant.
2. Date.
3. Scale and north arrow.
4. Zoning District
5. Names of adjacent streets.
6. All existing lot lines and dimensions.
7. Locations and dimensions of all existing and proposed structures, including additions thereto.
8. Existing and proposed uses of structures and land.
9. Distances of all proposed structures or additions from lot lines.

D. Building Application and Permit Fees

Before a building permit may be issued, a fee shall be paid to the Town on the basis of a schedule of fees established by the Board of Selectmen in accordance with the provisions of "Section 7. Establishment of Fees" of CHAPTER IV of the General Bylaws of the Town of Ipswich. (Amended by 4/6/92 Annual Town Meeting; approved by Attorney General 6/2/92)

E. Violations

The Building Inspector shall serve a notice of VIOLATION AND ORDER to any person responsible for the erection, construction, reconstruction, conversion, alteration of a building or structure or change in use, or extension or displacement of use of any building, structure, sign, other structure or lot in violation of any approved plan, information, or drawing pertinent thereto; or in violation of a permit or certificate issued under the provisions of this bylaw, or in violation of this bylaw, and such order shall direct the immediate discontinuance of the unlawful action, use, or condition and the abatement of the violation. Any owner, who has been served with a notice and ceases any work or other activity, shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, morals, or general welfare.

Any person who violates or refuses to comply with any of the provisions of this bylaw may, upon conviction, be fined up to the sum of three hundred (300) dollars for each offense. (Amended by 4/1/85 Annual Town Meeting; approved by Attorney General 11/13/85)

F. Zoning Board of Appeals

A Zoning Board of Appeals consisting of five (5) members and two (2) associate members shall be appointed as provided in Section 12 of Chapter 40A of the General Laws, as amended, which shall act on all matters within its jurisdiction under this bylaw in the manner prescribed in said section.

The Zoning Board of Appeals shall have the power to:

1. Hear and decide appeals in accordance with Section 8 of Chapter 40A of the General Laws, as amended.
2. Hear and decide petitions for variance in accordance with Section 10 of Chapter 40A of the General Laws, as amended.
3. Hear and decide application for certain classes of special permits it is specifically empowered to decide upon by this bylaw, in accordance with Section 9 of Chapter 40A of the General Laws, as amended.

G. Appeals

Any appeal to the Zoning Board of Appeals shall be taken in accordance with the provisions of Sections 8 and 15 of Chapter 40A of the General Laws. Written application shall be made on forms provided by the Zoning Board of Appeals and include a copy of all information submitted to the enforcing officer in the application of a permit.

H. Planning Board

The Planning Board consisting of five (5) regular members and one associate member shall be appointed as provided in Section 13 of Chapter 620 of the Acts of 1966 (The Charter of the Town of Ipswich), Chapter 41, Section 81-A and Chapter 40A, Section 9, of the General Laws. The associate member shall be appointed by the Town Manager and shall serve for a two-year period. The chairman of the Planning Board may designate the associate member to sit for the purposes of acting on a special permit application, in the case of absence, inability to act, conflict of interest on the part of any regular member of the Board, and/or in the event of a vacancy. (Added by 10/22/90 Special Town Meeting; approved by Attorney General 1/14/91)

I. Compliance with Zoning Bylaw

The Board of Selectmen may at their reasonable discretion impose as an essential condition on the issuance and/or renewal of any permit and/or license which they are authorized to issue or renew, the requirement that there are and will be during the term, or terms, of such permit and/or license no violation(s) of the Protective Zoning Bylaw conducted and/or permitted on the lot on which such permit or license is located by anyone, including, but not limited to, the Permittee or Licensee. In the event that any zoning violation(s) occurs on such lot as evidenced by the failure of compliance with any duly-served Cease and Desist Order, the Permittee or Licensee shall agree that any such violation(s) may constitute just cause for the suspension or revocation of such permit or license. Such condition may be an essential element of the issuance and continued lawful existence of any such permit and/or license. In the event that any owner of a lot on which a permit and/or license is located, or any Permittee or Licensee, aggrieved by an order or decision of the Building Inspector

finding that a violation(s) of the Protective Zoning Bylaw exists on such lot is appealing the Building Inspector's order or decision in good faith to the Zoning Board of Appeals or to a court of competent jurisdiction, such order or decision shall not constitute the basis for the Board of Selectmen to refuse to renew, revoke, and/or suspend any such permit and/or license during the pendence of such good faith appeal. (Added by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

J. Special Permits

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

2. Criteria. Unless otherwise specified herein, special permits shall be granted by the special permit granting authority (SPGA) only upon its written determination that:

a. the benefit to the Town outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site; and

b. the petitioner’s application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to show the project meets the intent of this bylaw.

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

(1) Social, economic or community needs which are served by the 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 environment.

3. Procedures. Applications shall be filed in accordance with the rules and regulations of the special permit granting authority. The SPGA is encouraged to seek review and comment from other town agencies as part of it consideration of the special permit application.

4. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this bylaw.

5. Lapse. Special permits shall lapse if a substantial use thereof or construction there under has not begun, except for good cause, within 24 months following the granting of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17) by the SPGA.

6. Regulations. The SPGA may adopt rules and regulations for the administration of this section.

7. Fees. The SPGA may adopt reasonable administrative fees and technical review fees for applications for special permits.

(Special Permits section replaced in its entirety by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01)

K. Variances

The Zoning Board of Appeals may, in accordance with the provisions of Section 10 of Chapter 40A of the General Laws, as amended, grant upon appeal or upon petition with respect to particular land or structure a variance from the terms of this bylaw.

A variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located. Such a variance, however, shall not supersede any special permit requirements for a use or activity as indicated in the Table of Use Regulations or elsewhere in this bylaw, unless the Zoning Board of Appeals is also the SPGA and the special permit is not subject to Footnote 16 to the Table of Use Regulations. (Amended by 10/17/05 Special Town Meeting; approved by Attorney General 12/12/05)

L. Public Hearing Notice Requirements

In all cases where notice of a public hearing is required, notice shall be given in accordance with the provisions of Section 11 of Chapter 40A of the General Laws, as amended.

M. Repeat Action on Appeals, Variances, and Special Permits

No appeal or application or petition for a variance or special permit which has been unfavorably and finally acted upon shall be reconsidered within two years after the date of final unfavorable action unless in accordance with specified provisions of Section 16 of Chapter 40A of the General Laws, as amended.

N. Amendments

This bylaw may, from time to time, be changed by amendment, addition, or repeal by Town Meeting in the manner provided in Section 5 of Chapter 40A of the General Laws, and any amendments thereto.

O. Validity

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

P. Effective Date

The effective date of the adoption or amendment of this bylaw shall be the date on which such adoption or amendment was voted upon by the Town Meeting.

Q. Acceptance

The acceptance of this bylaw includes the acceptance of Chapter 808 of the Acts of 1975 amending Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

R. Applicability of Amendments to Outstanding Building Permits or Special Permits

As prescribed in Section 6 of Chapter 40A of the General Laws, construction or operations under a building or special permit shall conform to any subsequent amendment of the bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. Site work shall not be deemed 'commencement of construction'; the actual laying of footings and foundation is 'commencement' except that for projects where no footings or foundations are required to be placed, commencement shall be deemed at the time the permit is posted and any of the scope of work begins. (Amended by 4/3/89 Annual Town Meeting; approved by Attorney General 6/13/89); Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)

ATTEST: A true copy of the Zoning Bylaw adopted under Article 36, Annual Town Meeting, Monday, May 02, 1977, and approved by the Attorney General August 18, 1977, as amended through April 1989. Amended by October 22, 1990 Special Town Meeting and approved by the Attorney General on January 14, 1991. Amended by April 06, 1992 by Annual Town Meeting and approved by the Attorney General on June 2, 1992. Amended by October 17, 1992 Special Town Meeting and approved by the Attorney General January 11, 1993. Amended by October 17, 1994 Special Town Meeting and approved by the Attorney General December 6, 1994. Amended by October 23, 1995 Special Town Meeting and approved by the Attorney General January 29, 1996. Amended by October 21, 1996 Special Town Meeting and approved by the Attorney General December 9, 1996. Amended by April 7, 1997 by Annual Town Meeting and approved by the Attorney General July 2, 1997. Amended by October 20, 1997 Special Town Meeting and approved by the Attorney General February 10, 1998. Amended by April 6, 1998 by Annual Town Meeting and approved by the Attorney General June 2, 1998. Amended by April 5, 1999 Special Town Meeting and approved by the Attorney General August 2, 1999. Amended by April 5, 1999 by Annual Town Meeting and approved by the Attorney General July 28, 1999. Amended by October 18, 1999 Special Town Meeting and approved by the Attorney General January 5, 2000. Amended by October 16, 2000 Special Town Meeting and approved by the Attorney General March 8, 2001. Amended by October 15, 2001 Special Town Meeting and approved by the Attorney General February 19, 2002. Amended by Special Town Meeting October 21, 2002 and approved by the Attorney General February 3, 2003. Amended by Special Town Meeting October 20, 2003 and approved by the Attorney General January 22, 2004. Amended by Special Town Meeting October 18, 2004 and approved by the Attorney General January 27, 2005. Amended by Special Town Meeting October 17, 2005 and approved by the Attorney General December 12, 2005. Amended by Special Town Meeting October 16, 2006 and approved by the Attorney General January 4, 2007. Amended by Special Town Meeting October 15, 2007 and approved by the Attorney General January 23, 2008. Amended by Special Town Meeting October 20, 2008 and approved by the Attorney General January 28, 2009. Amended by Special Town Meeting October 19, 2009 and approved by the Attorney General February 16, 2010 and May 17, 2010. Amended by Special Town Meeting October 26, 2010 and approved by the Attorney General February 24, 2011. Amended by Special Town Meeting October 17, 2011 and approved by the Attorney General 2/2/2012.

Isobel N. Coulombe	Frances A. Richards	Pamela Carakatsane,
Former Town Clerk	Former Town Clerk	Town Clerk