

## October 12, 2010 Special Town Meeting

### Article \_\_\_\_ . Miscellaneous Zoning Amendments (Draft –7/29/10)

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

(1) Amending Section “III. DEFINITIONS” as follows:

- a. Add, in the correct alphabetical sequence, definitions of “AGRICULTURE”, “AQUACULTURE”, “KENNEL”, “RIDING ACADEMY”, “STABLE” and “VITICULTURE”, said definitions to read as follows:

“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.”;

“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.”;

“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.”;

“RIDING ACADEMY: An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.”;

“STABLE: Livery, boarding or riding stables for four (4) or more horses which may include facilities for showing and training horses.”;

“VITICULTURE: The cultivation of grapes.”;

- b. Revise the definition of “MULTI-FAMILY RESIDENTIAL DEVELOPMENT” by adding, after “25% of”, the following words: “the total units in”; and

(2) Amending Section “V.D. Table of Use Regulations” as follows:

- a. Under the “Wholesale, Transportation & Industrial” heading, delete the principal use “Enclosed manufacturing or processing”; substitute in lieu thereof, “Enclosed manufacturing of a product including processing, blending, fabrication, assembly, treatment and packaging”; under the PC District column, delete “SPB” substituting in lieu thereof “P”; add footnote “35” to each allowance and maintain the other allowances and prohibitions as apply to the existing use;

- b. Under the “Accessory Use” heading, add “Manager’s unit related to agriculture, aquaculture, floriculture, horticulture, silviculture or viticulture”; insert “SPB” as the allowance in the RRA, RRC, HB, PC, and LI districts, and insert “—” in the columns for the RRB, IR, GB, CB and I districts; and

(3) Amending Section “V.D Footnotes to Table of Use Regulations” by adding footnote “35.”, to read as follows:

- “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. For the purposes of this subsection, 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.”; and

(4) Amending Section “VI.B. Footnotes to Table of Dimensional and Density Regulations”, by revising footnote “1.”, first sentence, as follows:

Add, after the words “Planned Commercial”, the words “Highway Business”, and delete the words “the average front setback of the principal buildings located on the street on both sides within a distance of 500 feet.”, substituting in lieu thereof the words “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.”; and

(5) Amending Section “VIII. SIGNS” as follows:

a. Revise “C. Definitions” by:

1. Amending the definition of “SIGN” by renumbering “6.” and “7.” to “7.” and “8.”, respectively; adding a new paragraph “6.”, to read as follows:

“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.”;

2. Revising the definition of “TEMPORARY SIGN” paragraph 1.c.(1)” by deleting “four (4)”, substituting in lieu thereof “six (6)”; and

b. Revise “D. Sign Requirements per Zoning District” by:

1. Amending paragraph 3.e. by deleting the words “each of which shall not be more than twenty (20) square feet in area may be permitted by special permit;”, substituting in lieu thereof “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.”;

2. Adding a new paragraph 6.c. to read as follows:

“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.”

3. Amending paragraph 8. by deleting from the first sentence “proposed in conjunction with a development requiring site plan approval or Planning Board special permit” substituting in lieu thereof “Signs may, by Planning Board special permit, be increased in size and number from the requirements of this subsection D. pursuant to a finding that said increase would 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.”; and

- (6) Amending Section “IX. SPECIAL REGULATIONS” as follows:

- a. Revise “G. Wireless Communications Facilities”, paragraph 4.b. by:

1. Adding, after “Co-location”, the words “(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.)”;

- b. Revise “L. Home Occupations”, paragraph 4 by:

1. Deleting “e. commercial stables or kennels” in its entirety and re-letter “f.” through “i.” accordingly;

- c. Revise “N. Requirements for Uses Involving Hazardous and Toxic Materials”, paragraph 3.d. by:

1. Adding, after “sale”, the words “(excluding sales made in the ordinary course of business)”;
2. Adding, to the end of the paragraph, the following sentence: “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.”; and

(7) Amending Section “X. SITE PLAN REVIEW” as follows:

a. Revise “D. Submission Procedure” as follows:

1. Revise paragraph 2 by:

- a. Deleting from the second sentence “once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the date of the hearing,” and “for a period of not less than fourteen (14) days before the day of such hearing”;
- b. Deleting the third sentence in its entirety;
- c. Deleting from the last sentence the words “and notice”; and

2. Add paragraph 4, to read as follows:

“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.”; and

- b. Delete subsection “I. Compliance”, paragraph 1, in its entirety and renumber “2.” and “3.” to “1.” and “2.” respectively; and
- c. Delete subsection “O. Appeal” in its entirety;

or to take any other action relative thereto. (Sponsored by: Planning Board)