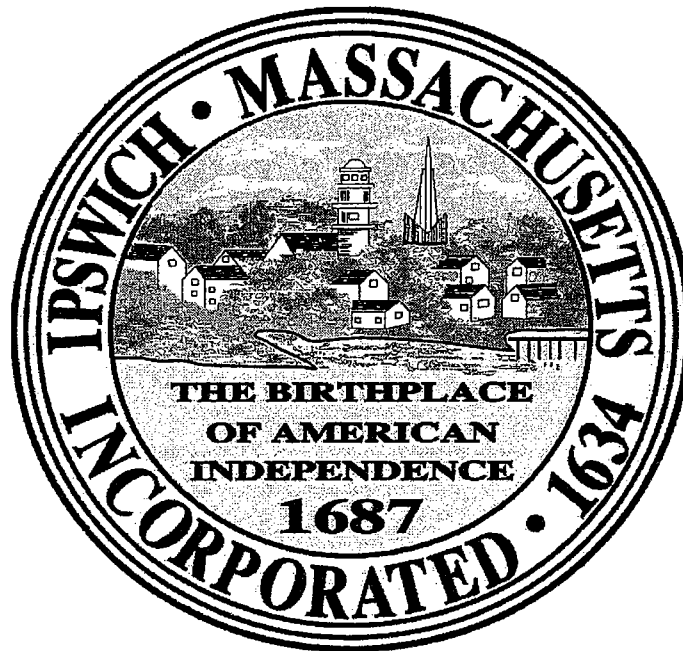


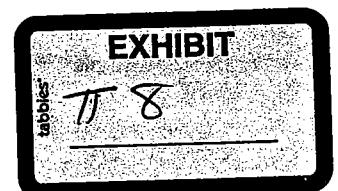
VI. Protective Zoning Bylaw

Town of Ipswich Massachusetts



May 7, 1977

(As Amended through October, 2010)



- 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 the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure unless a larger volume or 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. 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)

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 4/7/97 ATM; 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)	SBA ⁴	SBA ⁴	SBA ⁴	SBA ⁴	P	P	P	SBA ⁴	SBA ⁴	SBA ⁴
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}	^{17,26} SPB	SPB ^{17,26}
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 10/23/95 STM; 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 ²⁷	SBA ²⁷	SBA ²⁷	SBA ²⁷	SBA ²⁷	SBA ²⁷
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. Up to four (4) all within an enclosed building More than four (4) in an enclosed building	SBA ¹⁰ P SBA ¹⁰	SBA ¹⁰ P —	SBA ¹⁰ P SBA ¹⁰	— P —	SBA ¹⁰ P SBA ¹⁰	SBA ¹⁰ P SBA ¹⁰	SBA ¹⁰ P SBA ¹⁰	SBA ¹⁰ P SBA ¹⁰	SBA ¹⁰ P SBA ¹⁰	SBA ¹⁰ P 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 (cont'd)	DISTRICT									
	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 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 TM; 8/24/87 AG)	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
Storage Trailers, Temporary Use (Amended 4/4/88 TM; 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 TM; 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, inns, bed & breakfast establishments, assisted living or life care facility, campground, and mini-storage warehouses (Added 10/15/01 STM; 2/19/02 AG)	—	—	—	—	SPB	SPB	SPB	SPB	SPB	—
	SPB	—	SPB	SPB	SPB	SPB	SPB	—	SPB	—
	—	SPB	—	SPB	SPB	SPB	SPB	SPB	—	SPB
	SPB	SPB	SPB	SPB	SPB	SPB	—	—	—	—
	SPB	—	SPB	—	—	—	SPB	—	—	—
	—	—	—	—	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 ¹⁸	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; 1/28/09AG)	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SBA	SB	SBA
Outdoor hydronic heaters (Added 10/20/08 STM; 1/28/09AG)	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 limited to parcels of 5 acres or more in areas not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture (G.L. Ch. 40A, Section 3). If the above requirements cannot be satisfied, the use may be allowed only by special permit of the Zoning Board of Appeals. (Amended by 10/20/08 and 10/19/09 Special Town Meeting; approved by Attorney General 1/28/09 and 2/16/10)

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, and provided that the breeding, boarding, grooming, and training of dogs is 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), then the use is allowed by right. (Added by 10/19/09 Special Town Meeting; approved by Attorney General 2/16/10)
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 five (5) acres or more, the sale of agricultural products for 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)
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 Attorney General 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. (Amended by 10/17/93 Special Town Meeting; approved by Attorney General 1/11/93)

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;

- 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 Attorney General 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 Attorney General 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 10/15/02 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 10/15/02 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 1/4/07)	130,680	250	150	50	40	30	20	—	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 dwelling unit + 5,000 per DU thereafter 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
	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
Highway Business (HB) ¹⁶	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
	Commercial, wholesale	87,120	170	70	50 ¹³	25 ¹³	50 ¹³	45	—	30
Planned Commercial ³¹ (Amended 10/15/07 STM; 1/23/08 AG)	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 Special Town Meeting; approved by Attorney General 1/14/91) (Amended by 10/26/2010 Special Town Meeting; approved by Attorney General 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 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) (Amended by 10/19/09 Special Town Meeting; approved by Attorney General 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 and amended 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: