

DEVELOPMENT GUIDEBOOK FOR THE TOWN OF IPSWICH

The Citizen's Guide to the Development Project
Review and Approval Process



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INTRODUCTION

The purpose of this guidebook is to familiarize you with the process of obtaining necessary

development permits in Ipswich for projects both large and small. The handbook will introduce you to the permits, the people, and the process of permit application and review by Town regulatory boards. It summarizes the Town's project review and approval process, and defines the roles that each local regulatory board plays in that process. This information will allow you to anticipate the requirements and concerns of the permit granting authority, making the review and approval process more efficient for you and the Town.

Please keep in mind, however, that this handbook is just a guide, containing summary information only. As a project proponent and permit applicant you are strongly encouraged to obtain copies of all applicable local regulations, so you can learn firsthand the requirements and standards by which your project will be evaluated. *No one else can do this for you or take away your responsibility for complying with these rules and regulations.* The specific rules, regulations, requirements and standards to which you as a project applicant will be held liable are available at the Town Clerk's Office and at the Department that issues the permit. To help you in what may at first seem a daunting endeavor, the handbook cites the relevant sections of the bylaw, along with the department responsible for granting the permit.

This guidebook is designed to assist all persons needing to obtain a development permit(s), and thus describes a variety of review processes. The larger the project, the more involved the permitting process is likely to be. Nonetheless, the Town strives to make the process as simple and efficient as possible. If you are a resident seeking to build a single family home, you may only need to secure a building permit. If, however, your property has wetlands, or has zoning deficiencies, you will need additional approvals before you are able to obtain a building permit.

This handbook will introduce you to the review and approval process, and will hopefully guide you through that process to an outcome that is mutually beneficial to you and to the residents of the Town of Ipswich. By carefully reviewing this guide, you will become familiar with the Town's bylaws, rules and regulations governing development. This preliminary work will save you much time, expense, and aggravation later!

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PERMIT POSSIBILITIES

The Town of Ipswich issues an array of permits and licenses that may be required before you begin your project. This Section will introduce you to some of the most commonly issued development permits - *your research and consultations with Town staff are essential for the proper identification of all required permits!* In addition, it is strongly suggested that you consult the descriptions of the issuing authorities in section two and the relevant bylaws so that you are familiar with the intent of each permit granting authority, as well as the regulations governing permit approval. It is hoped that this preparation will lead to an

understanding (and perhaps an appreciation) of the Town's regulatory concerns, and expedite the permitting process.

1. Special Permits

Section XI of Zoning Bylaws - Zoning Board of Appeals, Planning Board, Board of Selectmen.

The Town of Ipswich is divided into twelve zoning districts: four residential (Rural Residence A, B, and C, In-town Residence); three commercial (Business, Highway Business, and Planned Commercial); and two industrial (Industrial and Limited Industrial). In addition, there are three districts (Flood Plain, Water Supply A and B) which overlay sections of the other nine districts with the intent of protecting the public from flood hazards and contaminated or insufficient supplies of drinking water. Section V of the Zoning Bylaw lists the uses regulated in each district, including prohibited uses, those permitted as a right of the landowner, and those requiring a special permit from a Special Permit Granting Authority (SPGA), i.e., the Planning Board, the Zoning Board of Appeals (ZBA), or the Board of Selectmen. The Planning Board, ZBA, and Board of Selectmen are denoted in the use schedule as SPB, SBA, and SBS, respectively.

Special permits are discretionary, and are granted only when the issuing authority is certain that the project will not be in any way detrimental to the public good. They are a flexible tool for land use regulation, and generally leave room for the Town and applicant to negotiate conditions that will satisfy the needs of the Town and the applicant. Each SPGA has its own specific rules and regulations regarding the special permit application and review process. However, all special permit decisions are made according to the following criteria:

- a. The use is referred to in the Table of Use Regulations as a special permit in the district for which the application is made or is so designated elsewhere in the zoning bylaw.

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- b. The use shall be in harmony with the purpose of the Zoning Bylaw.
- c. The requested use shall not create undue traffic congestion or noise or unduly impair pedestrian safety.
- d. The requested use shall not overload any public water, drainage, or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety, or the general welfare.
- e. The requested use shall not impair the integrity or character of the district or adjoining districts, nor be detrimental to health, morals, or welfare.

All special permits are void if the project has not commenced within two years of the date of approval.

2. Variances to the Zoning Bylaw

Section XI of Zoning Bylaw--Zoning Board of Appeals.

The Zoning Board of Appeals (ZBA) is empowered to grant variances from the terms and conditions of the Zoning Bylaw under specific circumstances where a literal interpretation of the Bylaw would impose a substantial financial or other hardships upon the petitioner/applicant, but only:

- a. when soil conditions, slope, or topography affect the land or structure in a special way, but not the zoning district in general
- b. a literal enforcement would impose substantial hardship, financial or otherwise, to the applicant
- c. when relief may be granted to the applicant without substantial detriment to the public good
- d. when relief may be granted to the applicant without substantial detriment to the intent and purposes of the Ipswich Zoning Bylaw.

It cannot be over-emphasized that variances are granted only when **ALL** of these conditions are met, and the ZBA may include conditions, safeguards, and limitations of time and use which prevent substantial detriment to the public good.

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3. Subdivision Approval

Rules and Regulations Governing the Subdivision of Land in Ipswich; Massachusetts Subdivision Control Law - Planning Board.

If your project involves the subdivision of land into lots or parcels and requires street construction to provide vehicular access to those lots, you must obtain subdivision approval from the Planning Board. Subdivision approval of your plan will require adequate access, public safety considerations, provisions for utilities, drainage, drinking water, as well as for the safety and convenience of vehicular and pedestrian travel. If your project involves the division of land into lots which have frontage on existing roads, then you may be able to obtain an endorsement from the Planning Board of an "Approval Not Required (Form A)" application form.

4. Site Plan Review

Section 10 of Zoning Bylaw - Planning Board.

The purpose of the Site Plan Review is to provide the Planning Board review of certain construction projects to ensure sound site utilization principles are used to protect health, safety, and welfare. All new commercial, industrial, and community facility developments are subject to Site Plan Review, as are any alterations of such uses in excess of 2,500 square feet or 30% of the existing gross floor area (whichever is less). The Site Plan Review must contain adequate provisions for traffic circulation and access pedestrian safety and access, off-street parking and loading, emergency vehicle access, stormwater drainage, water supply, sewage disposal, and screening. If and when approved by the Planning Board, the site plan becomes the official development plan for the site, is legally binding and can be changed only in accordance with Section 8 of the Zoning Bylaw.

5. Board of Health Permits

Chapter 105 of Code of Massachusetts Regulations - Board of Health.

Permits you may need from the Board of Health include those for construction of a septic system and other wastewater disposal techniques, storing and handling of hazardous materials, and any aspect of food sales or distribution, including shellfish.

6. Wetlands Development Permits

Ipswich Wetlands Protection By-Law, Massachusetts Wetlands Protection Act - Conservation Commission, Department of Environmental Protection; Clean Water Act - Army Corps of Engineers; Massachusetts Public Waterfront Act - Department of Environmental Protection.

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If you are proposing work within 100 feet of a wetland or 150 feet from the Essex Bay/Parker River Area of Critical Environmental Concern (ACEC), you will need the permission of the Conservation Commission. As of August 7, 1996, all areas within 200 feet of all perennial streams and rivers are also under the jurisdiction and review of the Conservation Commission. Activities within a wetland resource area will require a Notice of Intent (NOI) with maps and information explaining the proposed development. Activities within the 100-foot wetland buffer zone require at least a Request for Determination of Applicability to see if the Commission has jurisdiction over your development, although you may submit an NOI if you are sure that the Commission will want to review your project. If the Commission approves your project, it will issue an Order of Conditions specifying construction and long-term requirements designed to protect the wetland resources. Activities outside the buffer zone do not come under the jurisdiction of the Commission unless they have a negative impact (such as pollution or siltation) on a wetland resource area.

Please see the Conservation Agent for more information if you suspect that your project may impact a wetland or the buffer zone. If your project will impact more than 5000 square feet of wetlands, you may need a permit from the Army Corps of Engineers (call

1-800-362-4367 for more information).

7. Signage

Section VIII of the Zoning Bylaw; State Building Code - Building Inspector.

The Town of Ipswich Zoning Bylaw regulates the size, location, design and number of signs that may be allowed as part of a project. The Building Inspector enforces this Bylaw. All signs, except for temporary ones, require a building permit and shall comply with the State Building Code. This permit can only be issued after an application is filed on the appropriate sign application form, available from the Building Inspector's office.

8. Work within a Public Way

Department of Public Works; Department of Utilities; Board of Selectmen.

Any work within a public way owned and maintained by the Town of Ipswich, including the installation of driveways or utility lines, requires a permit from the Department of Public Works. Any work which exceeds certain size thresholds or obstructs a public sidewalk will also require the approval of the Board of Selectmen. Connections to the public water supply and/or public sewer system require a permit from the Department of Utilities.

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9. Demolition Permit

State Building Code; Ipswich Demolition Delay Bylaw - Building Inspector and Historic Commission.

Demolition of all or a substantial portion of a building requires a permit from the Building

Inspector, who will ensure that the demolition includes appropriate safety precautions. Any project involving the demolition of a building constructed 75 years ago or more requires review by the Historical Commission to determine if the building is of such significant historical or architectural interest that it should be restored or rehabilitated. If the building is of significant interest, the demolition permit may be delayed for up to six months. During this period the Commission and the applicant will try to find someone to purchase, preserve, rehabilitate, or restore the building.

10. Building/Occupancy Permit

State Building, Plumbing, and Electrical Codes; handicapped access standards - Building Inspector.

The Building Permit is issued when the Inspector confirms that the project is in compliance with state building, electrical, and plumbing codes, as well as with the Town's Zoning Bylaw. By state statute, the Building Inspector is required to take action on a

permit application within thirty days after filing. Electrical permits are obtained at the Utilities Office on High Street; building and plumbing/gas permits are obtained at the Building Department in Town Hall.

11. State and Federal Permits

Other permits may be necessary if your project comes under the jurisdiction of state or federal agencies. Possible activities include:

- a. highway curb-cut (Massachusetts Highway Department)
- b. impact on more than 5,000 square feet of wetlands (Army Corps of Engineers)
- c. projects using state money or requiring state permits may require a more detailed environmental review under the Massachusetts Environmental Policy Act if certain size or impact thresholds are met

The Town staff may be able to help you identify required permits, but it is your responsibility to ensure compliance.

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12. Other Permits

There are many other permits and licenses issued by different Town Departments, ranging from alcohol licenses to parade permits. A complete list of all permits, licenses and issuing authorities is available at the Town Clerk's Office and the Town Library.

THE PEOPLE AND PROCESS

Zoning Board of Appeals (5 regular and 2 associate appointed members)

Meets 3rd Thursday of the Month at 7:30 p.m. in the Town Hall Courtroom

If you have been denied a Building Permit by the Building Inspector, you may have recourse to the Zoning Board of Appeals (ZBA). The ZBA will consider the reason why the permit was denied, and will hold a public hearing. Based on the regulations and the outcome of the public hearing, the ZBA will render its decision.

In addition to hearing and deciding petitions for variances in accordance with Section 10 of Chapter 40A of the Massachusetts General Laws (as described on page 2), the ZBA is empowered to hear and decide appeals to the zoning bylaw by any person aggrieved by the permitting process. The ZBA is also authorized to issue special permits for the following principal and accessory uses:

two family dwelling	greenhouses & farms over five acres
mobile homes	sale of farm/nursery products
for-profit schools	town governmental buildings
convenience retail	general retail
restaurants	expansion of cemeteries
motor vehicle parts	inn
personal/consumer service	fine arts instructional programs
kennel/stable/vet hospital	funeral establishment
rest homes/convalescent homes	business repair services
motion picture establishment	amusement & recreation services
accessory barbershop or newstand/services	keeping animals on less than one acre
hospitals/medical/dental clinics	membership club
commercial parking lot/garage	professional/business offices
processing raw materials	research and development
wholesale trade/warehousing	enclosed manufacturing
unregistered motor vehicle storage	enclosed construction/ materials storage

Application forms for variances and special permits are available from the Town Clerk.

Planning Board (5 regular and 1 associate appointed members)

Meets every three weeks, Thursdays at 7:30 p.m. in the Town Hall Court Room

The Ipswich Planning Board is authorized under the Massachusetts General Laws to regulate the laying out and construction of ways in subdivisions and to insure the safety, convenience and welfare of the present and future inhabitants of Ipswich.

In considering a proposed subdivision, the Planning Board solicits the opinions of other Town Boards, Committees, Commissions and Officials as they pertain to the activity of the subdivision. The Board may also solicit the opinion of technical experts employed by the Board for the purposes of providing specialized technical review.

The Planning Board is also authorized to approve site plan review applications as described on page three of this guidebook. In addition, the Planning Board is authorized to grant special permits for the following principal and accessory uses:

multi-family dwelling	bed and breakfast home/establishment
dormitory	open space preservation zoning
outdoor recreation facility	town power plant or wastewater/landfill/etc.
municipal parking lot/structure	performing arts center
sales of car/boats/etc.	commercial parking lot
shopping center	golf driving range/batting cage
mini-storage warehouse	campground
transit stations	wastewater plants/power plants.
automotive/boat repair	hotels and motels
adult entertainment establishments	country/fishing/tennis/boating/golf club
temporary living facility	assisted living facility

Application forms for special permits are available from the Department of Planning & Development.

Conservation Commission (Seven appointed members)

Meets every two weeks, Wednesdays at 7:30 p.m. in Town Hall Courtroom

In 1972, the Commonwealth of Massachusetts enacted "The Wetlands Protection Act", which protects wetland resource areas and regulates all activity in and around wetlands. Over the years, the Act has been amended several times, with the latest amendment being the 1996 "Rivers Protection Act." In 1990 the Town of Ipswich enacted the Wetlands Protection Bylaw. The Conservation Commission's responsibility is to implement and administer the state law and the town bylaw.

The Commission has jurisdiction over all proposed projects or work located either in a

resource area or in the buffer zone of the resource area. A resource area can be an inland wetland, a coastal wetland, an area of Critical Environmental Concern (ACEC), or a riverfront. The Commission's role is to: (a) ensure that any work in or adjacent to a resource area will not have any short or long term adverse effects on the resource area of the proposed project; and (b) protect the interests identified under the Wetlands Protection Act and the Wetlands Protection By-Law. These interests include, but are not limited to, the following: public/private water supply, groundwater or surface water, flood control, erosion/sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, land containing shellfish, and wildlife habitat.

Historical Commission (Seven appointed members). Meets 1st Thursday of the Month at 7:30 p.m. in Town Hall Historical Commission Office

The purpose of this Commission is to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the architectural, cultural, political, economic, and/or social history of the Town. The Commission attempts to preserve these characteristics through cooperative efforts with property owners, and by acting as an advisor to the Building Inspector whenever the demolition of a historically significant building over 75 years of age is proposed.

Board of Selectmen (Five elected members). Meets every Monday at 7:30 p.m. in the Town Hall Courtroom (except on Tuesdays if Monday is a holiday)

The Board is authorized under the Zoning Bylaw to grant special permits for the removal of sand, gravel, or loam. In addition, the Board is authorized to grant a number of other approvals (e.g. extension of public water supply and/or sewer system).

Application forms for these approvals are available from the Town Manager's Office.

CONCLUSION

Ipswich Town officials, boards, and staff hope that this guidebook has provided enough information to get you started obtaining the necessary approvals for your proposed development project. As stated above, there are other local permits, licenses, and approvals that are not reviewed and summarized here. This is only a guide, and a summary guide at that. You are encouraged to speak with Town officials and staff about your project ideas and concepts as early in the design stage as is practicable. Such early communication is likely to save you a good deal of frustration and possible expense later on during your development review process.

APPENDIX A: Timeline for the Special Permit Process

Day 0	-----	Town Clerk receives completed application and date stamps it
Prior to the public hearing	-----	Notices of the public hearing are sent to the applicant and abutters
At least 14 days before the public hearing	-----	The 1st notice is published in the <u>Ipswich Chronicle</u> and posted in Town Hall
One week before the public hearing	-----	The 2nd notice is published in the <u>Ipswich Chronicle</u> and posted in Town Hall
No later than 65 days after receipt of a complete application	-----	Public hearing is held - any later than 65 days requires a signed agreement between the applicant and the permit granting authority
90 days after the public hearing is closed	-----	Last day for the permit granting authority to vote. The written decision must be filed with the Town Clerk within 14 days of the vote. If no decision is made, the applicant may obtain a constructive grant by applying to the Town Clerk.
20 days after a decision is published by the permit granting authority	-----	The appeal period for interested parties ends. Appeals are filed with both the Town Clerk and the District Court. If no appeal is filed and the permit was granted, it takes effect at the end of the 20 day period.

NOTE: "Day 0" to the date a decision is published cannot exceed 155 days unless there is written agreement between the applicant and the Board, filed with the Town Clerk.

NOTE: The Special Permit lapses two years from the date of the decision if work is not substantially underway, unless for good cause.

APPENDIX B: Timeline for the Zoning Board of Appeals Variance Process

Day 0	-----	Town Clerk receives completed application and date stamps it
Prior to the public hearing	-----	Notices of the public hearing are sent to the applicant and abutters
At least 14 days before the public hearing	-----	The 1st notice is published in the <u>Ipswich Chronicle</u> and posted in Town Hall
One week before the public hearing	-----	The 2nd notice is published in the <u>Ipswich Chronicle</u> and posted in Town Hall
No later than 65 days after receipt of a complete application	-----	Public hearing is held – any later than 65 days requires a signed agreement between the applicant and the ZBA
100 days after the filing of the variance application	-----	Last day for the ZBA to vote. The written decision must be filed with the Town Clerk within 14 days of the vote. If no decision is made, the applicant may obtain a constructive grant by applying to the Town Clerk.
20 days after a decision is published by the District Court	-----	The appeal period for interested parties ends. Appeals are filed with both the Town Clerk and ZBA. If no appeal is filed and the variance was granted it takes effect at the end of the 20 day period.

NOTE: From "Day 0" to the date a decision is filed cannot exceed 100 days unless there is written agreement between the applicant and the ZBA, filed with the Town Clerk.

NOTE: The variance lapses one year from the date of the decision.

APPENDIX C: Timeline for Subdivision Approval Process

Day 0	-----	Town Clerk receives completed Form B application and preliminary
Within 45 days	-----	Planning Board gives notice to preliminary plan
Within 7 months to preserve zoning and subdivision exemptions	-----	Applicant submits definitive plan and notice to Clerk
At least 14 days before the public hearing	-----	Notice is published in the <u>Ipswich Chronicle</u>
Within 90 days of submittal of preliminary plan or 135 days of definitive plan	-----	Planning Board acts on plan
20 days after decision is published by the Planning Board	-----	The appeal period for interested parties ends. Appeals are filed with both the Town Clerk and the District Court. If no appeal is filed and the plan was endorsed, the Clerk issues a certificate which takes effect at the end of the 20 day period
Within six months of issuance of certificate	-----	Registrar of Deeds records plan

APPENDIX D: Timeline for the Wetlands Development Review Process

Day 0	-----	Notice of Intent (NOI)/Request for Determination of Applicability (RDA) filed with the Conservation Office at least nine days prior to date of public hearing
At least five business days before public hearing	-----	Notice of public hearing is published in the <u>Ipswich Chronicle</u>
Within 21 days of filing of NOI or RDA	-----	Public hearing is held
Within 21 days of RDA	-----	Written determination of whether filing of NOI under Wetlands Protection Act or Wetlands Bylaw is applicable
Within 21 days of Public hearing for NOI	-----	Commission issues Order of Conditions for approval or denial
Within 30 days of Issuance of an Order of Conditions	-----	Applicant records Order of Conditions at the Essex South Registry of Deeds and provides proof of recording to Commission
Upon expiration of 10 day appeal period and proper notification to Commission, including proof of recording	-----	Applicant may start work
At least 30 days prior to expiration of permit	-----	Applicant may apply for extension of permit
Three years from date of permit issuance	-----	Permit expires

APPENDIX E: Town of Ipswich Contacts

Assessor	356-6601
Board of Selectmen	356-6604
Building Inspector	356-6605
Cemetery and Parks Department	356-6643
Conservation Agent	356-6661
Dog Pound	356-6652
Electric Light Division	356-6635
Fire Department (other than 911 emergencies)	356-4321
Health Agent	356-6605
Department of Planning and Development (Planning Board, Historical Commission, Housing Partnership)	356-6607
Police (other than 911 emergencies)	356-4343
Recreation Department	356-6644
Town Clerk	356-6600
Town Manager	356-6609
Treasurer/Collector	356-6610
Water Department	356-6637
Wastewater Department	356-6642

**APPENDIX F: QUESTIONNAIRE FOR RESIDENTIAL CONSTRUCTION
AND ALTERATIONS**

If you have created a new lot, is it adequately accessible from an approved street?

YES: Submit an "Approval Not Required" (Form A) application, available in the Department of Planning and Development.

NO: Submit a Preliminary Subdivision Application, available at the Department of Planning and Development.

DON'T KNOW : Inquire at the Department of Planning and Development, Town Hall.

Are you altering an existing structure?

YES: See the Building Inspector on the second floor of Town Hall.

NO: Continue to the next questions.

DON'T KNOW: See the Building Inspector.

Is your lot serviced by the Town's sewer system?

YES: See the Utilities Department, High Street, for information about connecting to the Town sewer system.

NO: The Health Agent (Town Hall) must approve your septic system design, as well as evaluate the soils on the lot.

DON'T KNOW: Inquire at the Utilities Department.

Are you building within a wetland resource area, within 100 feet of a wetland resource area, or within 100 feet of a river or stream, as defined by MGL 131 Section 40 and the Ipswich Wetlands Protection Bylaw?

YES: See the Conservation Agent, located in the Department of Planning and Development, about whether you need to submit a Notice of Intent (NOI) or a Request for Determination of Applicability (RDA) to the Conservation Commission.

NO: If you suspect that your project will significantly impact a wetland resource area (e.g. runoff of pollution or sediments), please see the Conservation Agent for

information about mitigating these impacts.

DON'T KNOW: Inquire at the Conservation Agent's office in Town Hall.

Are you building within 150 feet of the Parker River/Essex Bay Area of Critical Environmental Concern (ACEC), as defined by the Ipswich Wetlands Protection Bylaw?

YES: See the Conservation Agent about submitting a Notice of Intent or a Request for Determination of Applicability to the Conservation Commission.

NO: If you suspect that your project will significantly impact the Parker River/Essex Bay ACEC (e.g. resulting from runoff of pollution or sediments), please see the Conservation Agent for information about mitigating these impacts.

DON'T KNOW: Inquire at the Conservation Agent's office in Town Hall.

Does the project comply with zoning requirements listed in the Protective Zoning Bylaw of the Town of Ipswich?

YES: See Building Inspector for a Building Permit application. Applications for a ZBA special permit for two-family dwelling are available in the Town Clerk's office; applications for a Planning Board special permit for multi-family dwellings are available at the Department of Planning and Development. The permit can only be issued when all other permits have been approved.

NO: If your project does not comply with zoning, it is not allowed. Your only recourse is to pursue a variance from the Zoning Board of Appeals (ZBA). Variances are only granted when the following conditions are met:

- (1) the lot is unique by reason of soil conditions, shape, or topography
- (2) compliance with zoning would involve substantial hardship
- (3) desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.
- (4) desirable relief may be granted without substantial detriment to the public good.

DON'T KNOW: Inquire at the Building Inspector's office.

Are you planning to build more than one residential unit?

YES: If you plan to build a two-family dwelling, you will need a special permit from the ZBA. If you plan to build a multi-family dwelling, you will need a special permit from the Planning Board.

WE WOULD LIKE TO HEAR FROM YOU!

This Guidebook is intended to provide you with a general introduction to the permitting

process. Your comments and experiences are valuable resources for identifying those areas of this Guidebook and the permitting process that could be improved. Please take a moment to tell us about sources of confusion or frustration (positive comments are also welcome!) and return this form to:

Department of Planning and Development
Town Hall
25 Green Street
Ipswich, MA 01938

THANK YOU!