



TOWN OF IPSWICH PLANNING BOARD

TOWN HALL, 25 GREEN STREET, IPSWICH, MASSACHUSETTS 01938

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Final Report of the Planning Board to Special Town Meeting Held on October 25, 2022

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This document is the final report of the Planning Board, including recommendations on three proposed zoning articles on the warrant for the October 25, 2022 Special Town Meeting, prepared and submitted in accordance with Section XI.L of the Ipswich Zoning Bylaw and Section 5 of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

The Planning Board initiated the three zoning amendment articles and submitted them to the Select Board on July 6, 2022. In accordance with Section 5 of Chapter 40A of the Massachusetts General Laws, the Select Board, on July 11, 2022, referred the proposed zoning articles back to the Planning Board for review and public hearing. Legal notices of the public hearing were published in the *Ipswich Local News* on July 6, 2022, and July 13, 2022, July 20, 2022, and July 27, 2022.

On Thursday, July 21, 2022 and August 11, 2022 the Planning Board opened the public hearings at duly advertised public meetings, after the duly advertised public notices, to consider the following zoning amendments to the Ipswich Protective Zoning Bylaw. After taking public comment on the 21st, the Board voted to continue the public hearing to its meeting of August 11, 2022. After opening a second public hearing (correcting a legal ad typo) and closing both public hearings, the Board voted on August 11th as indicated below to recommend Town Meeting adopt the three zoning amendment articles.

Article 1 (Consent Calendar): Amend Zoning Bylaws – Clarification Change

The Planning Board recommends 5-0 that the 10/25/22 Town Meeting adopt this amendment in Article 1, the Consent Calendar.

This article will change “Board of Selectmen” to “Select Board” in Sections II, V, IX.K and XI. The Select Board is no longer called the Board of Selectmen.

Article 3: Amend Zoning Bylaws – Amendments to Use- Related Regulations

The Planning Board recommends 5-0 that the 10/25/22 Town Meeting adopt Article 3.

This article will (1) Amend Section IX.C. OSPZ by limiting the number of units allowed under the yield plan for the portion of the lot within the Water Supply Protection District and by prohibiting encumbrances associated with the built portion of projects within the protected open space; (2) Amend the Table in Section V. Use Regulations by allowing retail and personal consumer service establishments by right in the PC District; and (3) Amend Section III. Definitions by adding a new definition of “Drive Through Facility”, and amend the table in Section V. Use Regulations by inserting a new accessory use for “Drive Through Facility” and allowing them in the HB and PC districts.

(1) The most recent OSPZ project, on Linebrook Road and Mile Lane, is located partially within the Town’s Water Supply Protection District. The project raised some questions about the Town’s approach toward OSPZ development within the Water Supply Protection Districts, specifically related to the number

of units and scope of development permitted, as well as encumbrances on the required open space land. Further, as the Planning Department worked with the Zoning Bylaw for the permitting of the aforementioned project, Staff became aware of opportunities to improve the OSPZ section to better align the regulations with the purposes of OSPZ projects. This amendment will decrease the permissible number of dwelling units permitted to be constructed within a Water Supply Protection District and prohibit encumbrances associated with the built portion of the OSPZ lot on the protected open space.

(2) Currently, any new Retail (other than convenience) or Personal & Consumer Service Establishment business over 1,000 sq. ft. must go through the special permitting process even if they are moving into an existing space. This change would not alter the requirements that would apply to new construction or changes of use, parking, dimensional requirements (covered under site plan review) and any other applicable requirement. This amendment will amend the Table of Use Regulations in Section V to allow Retail and Personal & Consumer Service Establishments by-right in the PC district.

(3) Current regulations allow drive-through facilities by-right as a use type in certain zoning districts, but subject to Site Plan Review. Drive-through facilities are prohibited if associated with formula fast food establishments in the CB District (the only district in which fast-food establishments are allowed, and then only by special permit). Drive through facilities can increase traffic, cause queuing, and generally are incompatible with pedestrian-focused areas. This amendment adds a definition of Drive-through facility in Section III. Definitions and amends the Table of Use Regulations in Section V by creating new accessory use for Drive-through facilities to only be allowed in PC and HB districts.

Article 4: Amend Zoning Bylaws – Amendments to Density and Dimensional-Related Regulations

The Planning Board recommends 5-0 that the 10/25/22 Town Meeting adopt Article 4.

This article will (1) Amend the definition of “Lot Area” in Section III. Definitions to require greater upland area for determining minimum lot area; (2) Amend the table in Section V. Use Regulations by inserting floor area ratio limits within the IR, CB, and GB districts; (3) Amend Section VI. Dimensional and Density Regulations by removing a Special Permit opportunity to increase building height in the IR District and by amending the height allowances in the GB and HB District by requiring a Special Permit to increase height from 37 to 45 feet; (4) Amend Section VII. Off Street Parking by limiting the Special Permit Granting Authority’s power to allow tandem parking; and (5) Amend the definition of “Multi-family Residential Development” in Section III. Definitions to allow single family units in said developments to constitute up to 50% of the total allowed number of dwelling units.

(1) The current definition of lot area requires that for all residential dwellings (except for those built under OSPZ), a minimum of 70% of the required lot area for zoning compliance must be upland. The 70% upland rule only applies to residential dwellings. There has been some concern about the 70% requirement being too low. The concern is that by allowing 30% of required lot area to be wetlands, in particular on multi-unit developments, greater density is squeezed into upland areas that are too small to accommodate said development (in other words, greater number of units is allowed than the land can handle, resulting in a need for waivers, oversized buildings, and similar impacts). This amendment amends lot area definition to increase the required amount of upland for residential dwellings.

(2) Much of the concern that people express about development appears to center around the size/scale/massing of new buildings. While building height, unit density, setbacks, and other existing regulations control new buildings, they impose a fairly one-size-fits-all approach. A “floor area ratio”, which is a different approach that will promote better-sized projects, establishes a maximum floor area for buildings on individual lots; this approach is taken in the RRB District. This amendment amends the Table of Dimensional and Density Regulations in Section VI to include a maximum floor area ratio for buildings in certain zoning districts.

(3) The Planning Board and Department have heard concerns about excessive building height on certain projects, in particular in the Highway Business District and to a lesser extent within the General Business District. Building height is a contributing factor to overall building massing. In the IR District, the maximum building height is 37 feet/3 stories, except the Planning Board may allow an increase to 45 feet by special permit. In the General Business and Highway Business Districts (among other non-residential districts and the CB District) the maximum building height is 45 feet. Because the Highway Business and General Business District abut Intown Residence and Rural Residence Districts, there is potential for a large disparity of building height and associated massing between these districts. This amendment eliminates the 45-foot maximum height by special permit exception for buildings in the IR District and requires 37-foot height in GB and HB District, except up to 45 feet by special permit.

(4) Tandem parking, which in many cases can be a less than optimal parking situation for safety and convenience reasons, is currently subject to a special permit. The special permit granting authority is authorized to allow 100% of parking spaces to be tandem (on certain projects). The Planning Board proposes to limit the special permit granting authority to be able to allow no more than 50% of parking spaces associated with a project to be tandem. This amendment limits the amount of tandem parking allowed to no more than 50% for residential uses and also clarifies the meaning of tandem parking.

(5) As Planning Department Staff work with developers and design professionals, as well as boards and committees such as the APDC and Planning Board, Staff has learned that the requirement that detached single units in multifamily developments not exceed 25% of the total units in the development may have the undesired effect of creating larger multi-unit buildings. For example, on a lot where a four-unit multifamily dwelling or development is permitted and a single unit exists, if a developer wishes to retain the single-unit, they are only allowed to create a second building with three-units rather than a single-unit and a two-unit building. If a developer were able to build two single-unit buildings and a third, two-unit building, then that scenario may allow for better massing, siting, and layout on a lot. Where this issue has been particularly presented is within the Architectural Preservation District, where there is a heightened desire for design flexibility in order to complement the existing development pattern. This amendment allows up to 50% of the units in a multifamily development to consist of single-unit freestanding buildings by amending the definition of Multi-family residential development.