



TOWN OF IPSWICH PLANNING & DEVELOPMENT DEPARTMENT

TOWN HALL, 25 GREEN STREET, IPSWICH, MASSACHUSETTS 01938

PLANNING BOARD ARTICLE SUBMISSION FOR 2020 TOWN MEETING V. 1/9/20

Staff contact: Ethan Parsons

PROPOSED MARIJUANA AMENDMENTS

Issue:

Special Town Meeting, in October, 2019, approved a General Bylaw change to allow for recreational (also referred to as “adult use”) marijuana establishments in Ipswich, with the exception of retail. Currently, there are no zoning regulations to address recreational marijuana establishments in Ipswich. The current Zoning Bylaw allows with conditions registered medical marijuana dispensaries and should be modified to also allow for and regulate the allowable recreational marijuana establishments. Absent zoning regulations, the permissible recreational marijuana establishments would fall under enclosed manufacturing, which is allowed in the PC and LI districts (Route 1) and by special permit in other industrial zones. Planning Staff is recommending that the Board support only allowing recreational marijuana establishments where registered marijuana dispensaries are currently permitted, within the PC and LI districts.

As Staff reviewed potential zoning regulations for Marijuana Establishments, it became apparent that the Town’s existing registered Marijuana Dispensary regulations could be expanded and also, that they should be fairly consistent with the proposed Marijuana Dispensary regulations. Accordingly, below are also proposed amendments to Section IX.R. Registered Marijuana Dispensaries.

Proposed Amendment:

Planning Staff proposes modifications to Zoning Bylaw as follows:

1. Amend Section III. Definitions: Define Marijuana Establishment and any other definitions as needed
2. Amend Section V. Table of Uses: Add rows for recreational marijuana establishments allowed in PC and LI districts by special permit; add rows for retail recreational marijuana establishments prohibited in all districts; add footnote reference to new subsection in IX.
3. Amend Section IX. Special Regulations: Add new subsection T: Adult Use Marijuana Establishments

Draft Article:

Article **X**: Adult Use Marijuana (draft 1/9/20)

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows: (~~strike through~~ = language to be deleted; ***bold italics*** = new language)

1. Amend Section III. DEFINITIONS as follows:

Insert the following definitions in the correct alphabetical order:

“Cannabis Cultivation: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not exempt from zoning. Note this term is not defined in 935 CMR 500.

Marijuana or Marihuana or Cannabis: All parts of any plant of the genus Cannabis, not exempted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant; its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, subsection 1; provided that cannabis shall not include:

- (a) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;***
- (b) Hemp; or***
- (c) The weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.***

Marijuana or Cannabis Products: Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Establishment Ceases to Operate: Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

Cannabis Control Commission: The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, subsection 76, or its designee. The Commission has the authority to implement the state marijuana laws, which include but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G and 935 CMR 500.000.

Community Marijuana Establishment Host Agreement: An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and up to a 3% host agreement revenue sharing. Note that this term is not defined in 935 CMR 500.

Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture,

process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments but not to consumers.

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Marijuana Establishment Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:

- (a) Accredited to the International Organization for Standardization 17025 (ISO.IEC 17025:2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;*
- (b) Independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and*
- (c) Qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, subsection 34.*

Marijuana Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Marijuana Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

Marijuana Microbusiness: A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers, and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an existing Licensee Transporter or Third Party Transporter.
Marijuana Propagation: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

2. Modify Table of Uses as shown below:

TABLE OF USE REGULATIONS (continued)										
PRINCIPAL USE	DISTRICT									
Commercial (continued)	RRA ¹⁶	RRB ¹⁶	RRC ¹⁶	IR ¹⁶	GB ¹⁶	CB ¹⁶	HB ¹⁶	PC ¹⁶	I ¹⁶	LI ¹⁶
Solar Energy Collection Apparatus										
	SPB ^{17,36}	SPB ^{17,36}	SPB ^{17,36}	SPB ^{17,36}	SPB ^{17,36}	SPB ^{17,36}	SPB ^{17,36}	SPB ^{17,36}	P ^{17,36}	SPB ^{17,36}
<i>Craft Marijuana Cooperative</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Cultivator</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Product Manufacturer</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Retailer</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Independent Testing Laboratory</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Retail marijuana establishment</i>	-	-	-	-	-	-	-	-	-	-
<i>Marijuana Microbusiness</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Research Facility</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Marijuana Transporter</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰
<i>Any type of licensed marijuana-related business not included in this Table, except retail sales and a</i>	-	-	-	-	-	-	-	SPB ⁴⁰	-	SPB ⁴⁰

TABLE OF USE REGULATIONS (continued)										
<i>registered marijuana dispensary</i>										

And add a footnote, #40, to the Table of Uses, which reads:

40. Subject to the requirements of IX.T of this zoning bylaw.

4. Add Section T: Adult-use Marijuana Establishments

1. Purpose:

Ipswich recognizes that the nature of the substance cultivated, processed, and/or sold by Marijuana Establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety and general wellbeing of the public. Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws and 105 CMR 725.000, Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation and product manufacturing for non-medical adult marijuana use in a manner that complies with state regulations. This subsection shall in no way authorize retail sales of adult use marijuana, which is prohibited in Ipswich.

2. Applicability

Nothing in this section shall be construed to supersede federal and state laws governing the distribution of marijuana. Adult use marijuana retail sales are expressly prohibited in Ipswich. This section shall not be construed to prevent conversion of a registered marijuana dispensary licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such Registered Marijuana Dispensary obtains a special permit pursuant to this section for any such conversion to an adult use Marijuana Establishment.

This section does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

3. Additional Requirements and Conditions

In addition to the standard requirements for uses permitted by right or requiring a special permit or site plan approval, the following requirements and conditions shall also apply to all Marijuana Establishments:

a. Use:

- i. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not included other businesses or services.*
- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.*

- iii. *The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Establishment be open to the public, and no distribution of marijuana shall occur upon the premises or via delivery from the premise between the hours of 8:00 p.m. and 8:00 a.m.*
 - iv. *No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including but not limited to its Final License from the Cannabis Control Commission.*
- b. *Physical Requirements*
- i. *All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure without express Planning Board approval.*
 - ii. *No outside storage is permitted.*
 - iii. *Ventilation: all Marijuana Establishments shall be ventilated in such a manner that (a) no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and (b) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment.*
 - iv. *Sign(s) shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text at least 2 inches in height. All other signs must comply with all other applicable regulations in this Zoning Bylaw and 935 CMR 500.*
 - v. *Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.*
 - vi. *Marijuana Establishments shall be contained within buildings or structures having a gross floor area of not less than five thousand (5,000) sq. ft. and not more than twenty-five thousand (25,000) square feet.*
- c. *Location:*
- i. *No Marijuana Establishment shall be located on a parcel that is within seven hundred and fifty (750) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12, or another Marijuana Establishment.*
 - ii. *No Marijuana Establishment shall be located inside a building containing residential uses, including commercial residential uses such as hotels, motels, lodging houses, dormitories, etc.*

- iii. *No marijuana establishment is permitted to utilize or provide a drive-through service.*
- d. **Reporting Requirements:**
 - i. *Prior to the commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Public Health Department, Police Department, Fire Department, Building Inspector and Planning Board with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the facility. All such contact information shall be updated as needed to keep it current and accurate.*
 - ii. *The local Building Inspector, Public Health Department, Police Department, Fire Department and Planning Board shall be notified in writing by the Marijuana Establishment owner, operator or manager a minimum of 30 days prior to any change in ownership or management of the establishment and a minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.*
 - iii. *Marijuana Establishments shall file an annual written report to the Planning Board and Town Clerk no later than January 31 of each calendar year, providing a copy of all current applicable state licenses for the establishment and/or its owners, demonstrating continued compliance with the conditions of the special permit.*
 - iv. *The owners or manager of a Marijuana Establishment is required to respond by phone or email within 24 hours of contact by a Town official concerning their establishment at the phone number or email address provided to the Town as the contact for the establishment.*
- e. **Issuance/Transfer/Discontinuance of Use**
 - i. *Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment owner.*
 - ii. *Special Permits/Site Plan Review Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.*
 - iii. *Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or to another site/parcel.*
 - iv. *Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment and shall lapse/expire if: (a) the Marijuana Establishment ceases operation for 365 days, and/or (b) the Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.*
 - v. *The Marijuana Establishment shall notify the Building Inspector and Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.*
 - vi. *A Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.*
 - vii. *Prior to the issuance of a building permit for a Marijuana Establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the Town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance*

of authorizing such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days' written notice, said bond shall be returned to the applicant.

4. Application Requirements

In addition to the standard application requirements for special permits and site plan review, applications for a Marijuana Establishment shall include the following:

- a. The name and address of each owner and operator of the Marijuana Establishment.*
- b. A copy of approved Host Agreement, if one exists.*
- c. A copy of the Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.*
- d. If the Marijuana Establishment will operate in conjunction with an approved RMD, a copy of the registration as an RMD from the Massachusetts Department of Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.*
- e. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.*
- f. Evidence that the applicant has site control and a right to use the site for a Marijuana Establishment in the form of a deed or valid purchase and sale agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.*
- g. A notarized statement signed by the Marijuana Establishment's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons.*
- h. In addition to what is normally required in a site plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.*
- i. A detailed floor plan identifying the areas available and functional uses, including floor area dimensions in square feet.*
- j. All signs proposed for the facility.*
- k. A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times to ensure that movement of pedestrian and/or vehicular traffic, including but not limited to, along the public rights of way will not be unreasonably obstructed.*
- l. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administration of odor control including maintenance of such controls.*
- m. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to Marijuana Establishments or off-site direct delivery.*
- n. Individual written plans, which, at a minimum, comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's:*
 - i. Operating procedures*

- ii. *Marketing and advertising*
- iii. *Waste disposal*
- iv. *Transportation and delivery of marijuana or marijuana products*
- v. *Energy efficiency and conservation*
- vi. *Security and alarms*
- vii. *Decommissioning of the marijuana establishment including a cost estimate taking into consideration the Town's cost to undertake the decommissioning of the site.*

5. *Findings*

In addition to the standard Findings for a Special Permit or Site Plan Approval, the Planning Board must also find all of the following in order to grant an approval for a Marijuana Establishment:

- a. *The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.*
- b. *The Marijuana Establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.*
- c. *The Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.*
- d. *The applicant has satisfied all of the conditions and requirements of this Section and other applicable sections of the Zoning Bylaw.*
- e. *The Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on site or via delivery.*
- f. *The Marijuana Establishment adequately addresses issues of traffic demand, circulation, and parking, particularly at peak periods, to minimize potential impacts to neighboring uses.*

...or take any other action relative thereto.”

Draft Article:

Article **X**: Registered Marijuana Dispensaries (RMDs) (draft 1/9/20)

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows: (~~strike through~~ = language to be deleted; **bold italics** = new language)

Proposed Amendment:

Planning Staff proposes modifications to Zoning Bylaw as follows:

Amend Section IX.R. Registered Marijuana Dispensaries (RMDs), subsection 4, General Requirements and Conditions for all RMDs, as follows:

“4. General Requirements and Conditions for all RMDs

- a. All RMDs shall be contained within a building or structure having a gross floor area of not less than ~~one~~ **five** thousand (±5,000) square feet (s.f.) or more than twenty-**five** thousand (205,000) s.f....
- h. No marijuana establishment is permitted to utilize or provide a drive-through service.*
- i. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.*
- j. All aspects of any Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure without express Planning Board approval.*
- k. No outside storage is permitted.*
- l. Ventilation: all Marijuana Establishments shall be ventilated in such a manner that (a) no pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and (b) no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment.*

...or take any other action relative thereto.”

CLARIFICATION AMENDMENT

Issue:

In the fall of 2016 Town Meeting adopted a new definition for “Use, Residential Mixed” and added this use to the Table of Uses in Section VI of the Zoning Bylaw. The intent of this change was to make it explicit that mixed use (residential plus an allowable non-residential use) is permitted in certain zoning districts. Recently, Staff has learned that “Use, Residential Mixed” is unintentionally omitted from the list of residential uses called out in the Table of Dimensional and Density Regulations, and someone has suggested that this use category should therefore fall under “All other permitted uses”, which clearly was not the intent. Accordingly, Staff recommends amending the definition of “Use, Residential Mixed” as shown below.

Proposed Amendment:

1. Amend Section III. Definitions, “Use, Residential Mixed”, as follows:

Draft Article:

Article **X**: Clarification Amendment (draft 12/5/19)

“To see if the Town will vote to amend the Protective Zoning Bylaw of the Town of Ipswich as follows: (~~strike through~~ = language to be deleted; ***bold italics*** = new language)

“Use, Residential Mixed: A building which contains two or more principal uses, at least one of which is residential, and at least one of which is non-residential and located on the ground floor. ***The principal uses in a Residential Mixed Use building shall be subject to all applicable regulations and conditions in this Zoning Bylaw for those individual uses, including the Dimensional and Density Regulations in Section VI.***

Multi-family Residential Development: A lot which contains or has built upon it: (a) ***one or more residential mixed-use buildings***; (b) one or more multi-family dwellings; (~~bc~~) one or more multi-family dwellings and one or more single or two-family dwellings, provided that the single family dwellings constitute no more than 25% of the total units in the residential development, or (~~ed~~) two (2) or more two-family dwellings.

...or to take any other action relative thereto.”