



TOWN OF IPSWICH PLANNING & DEVELOPMENT DEPARTMENT

TOWN HALL, 25 GREEN STREET, IPSWICH, MASSACHUSETTS 01938

TO: Select Board and Anthony Marino, Town Manager
FROM: Planning Board and Planning Department Staff
SUBJECT: **Request for Referral of Proposed Zoning Amendments for 2021 Special Town Meeting**
DATE: June 29, 2021

This memo constitutes the Planning Board's formal submission to the Select Board of proposed zoning amendments for inclusion on the 2021 Special Town Meeting warrant. In accordance with Section V of Chapter 40A of the Massachusetts General Laws, the Select Board shall, within fourteen (14) days of the date of receiving this submission, refer the proposed zoning amendments to the Planning Board for review and consideration. The text of each article is below. The Planning Board asks that you vote to refer the articles to the Planning Board at your July 6, 2021, meeting.

The three articles proposed herein were initiated by a formal vote of the Planning Board at its June 28, 2021 public meeting. Should the Select Board refer these articles back to the Planning Board on July 6, the Planning Board will then conduct public hearings for inclusion of the articles on the warrant for the 2021 Special Town Meeting. The Planning Board has decided to open its public hearing at a meeting to be held on July 26.

The purpose of the proposed revisions is to address housing-related issues in the community as described below. The articles would amend the Town's Protective Zoning Bylaw as follows:

Article 1: Eliminate the use of *Footnote 11* to Section VI. Table of Dimensional and Density Regulations within the In-Town Residential District.

Article 2: Revise Section IX Special Regulations Section S. Infill Single-Family House Lots by: (1) Reducing the allowed maximum house size and allowing flexibility for the house size based on the size of the infill lot; (2) increasing the affordable housing payment required in lieu of creation of an affordability restriction; and (3) removing reference to \$15,000 payment for Accessory Building Conversion projects under Section IX.P and replacing it with reference to the Planning Board's Payment-in-Lieu Option Regulation.

Article 3: Amend Section IX. Special Regulations by adding "*U. Detached Accessory Dwelling Units*" With conditions as described below.

To comply with the 14-day time frame established by Section 5 of 40A, please refer the above articles to the Planning Board at your meeting of July 6. Please be sure to make a motion to this effect and reflect it in your minutes.

The proposed articles and synopses included below will be posted on the Town's website within a few days. Planning Director Ethan Parsons will be available at your July 6, 2021 meeting to answer any questions about this referral and Planning staff anticipate attending a future meeting of your Board, accompanied by Planning Board members, to discuss the substance of the articles.

Issue: Housing Options for All

Beginning in the mid-1990s and continuing to this day, the Town has enacted a range of zoning provisions aimed at increasing the diversity of its housing stock. These have included allowing accessory apartments in most residential districts, requiring multi-family dwellings/developments to provide a certain percentage of units as affordable, allowing detached single-family infill dwellings in the In-Town Residential (IR) District, and allowing conversion of certain accessory buildings in the IR and Rural Residence A (RRA) Districts to single-family dwellings. The goal of these provisions has been to enable the addition of low to moderately-priced dwellings to the Town's housing stock, allowing numerous Ipswich households to afford living here. The Town has regularly tweaked these provisions over the years to maintain their effectiveness through changing conditions and circumstances.

As a community, Ipswich is committed to encouraging a mix of housing choices. “Options for all” is a primary goal of the Town’s recently completed 2020-2025 Housing Production Plan (HPP). The Needs Assessment, which was the foundation of the HPP, revealed that Ipswich’s population has grown slowly overall since 2010 but is aging faster than Essex County or Massachusetts. The number of older adults in Ipswich is also projected to grow over the next two decades at a rate outpacing the county and state. Smaller, accessible, and affordable units located near everyday amenities, such as grocery stores, banks, or pharmacies, are desirable and needed, especially for seniors.

These types of units can also be attractive to younger populations (20-34). Ipswich has a disproportionately small share of Essex County’s age 20-34 population, which is likely due to a relative lack of housing options including starter homes and other financially attainable units.

Over the past few decades, and acutely over the last couple years, housing has become less affordable for Ipswich residents. The median sales price of single-family homes and average rents have risen, while the purchasing power of households has declined. There is a \$171,000 gap between what a household earning the median income can afford and the median sales price for a single-family home. Renters need to earn double the current median income to afford the median rent (HPP, pg. 10-11).

Strategically located multi-family and mixed-use development can bring more affordable housing options to the community and support cost-effective transit service, while strengthening traditional, vibrant, and walkable neighborhoods. The Ipswich HPP outlines strategies to encourage more housing options near Town Center, including smaller units, reducing lot size and other dimensional requirements in the IR District, allowing compatible infill development of vacant lots, adaptive reuse of existing houses, and conversions of existing non-residential to residential uses, particularly for multi-family dwellings. These strategies, combined with appropriate design review requirements, can also help to preserve the historic and architectural characteristics of these neighborhoods by allowing additional units within the envelope of the building or through sensitive additions as an alternative to tear-down and rebuild options.

“Footnote 11”: In the past few years, some applications of the multi-family provisions within the IR District have strayed from the original intent. In particular, a footnote to the “Table of Dimensional and Density Regulations”, called “Footnote 11”, allows one to ask for a greater density for a multi-family project, which may be approved by Special Permit from the Planning Board. See page 43 in the [Zoning Bylaw](#). Footnote 11 has been applied in several visible and successful projects, including the conversion of the former Caldwell Nursing Home (in the IR District) and the former Town Hall/District Court (located in the CB District) buildings into multi-family housing.

However, some recent projects using Footnote 11 in the IR District have led to community concerns about neighborhood compatibility and the degree of community benefit provided. Over the past winter and spring, several of the Town’s committees and boards, including Select Board, Historical Commission, and the Architectural Preservation District Commission, as well as residents, have expressed concerns about the impact of this higher density on the character of our historic neighborhoods in the IR District.

The Planning staff and Planning Board members have been listening to these concerns and staff has convened residents to discuss them. After multiple discussions, the Planning Board proposes the following modifications to the Zoning Bylaw. The goals of these provisions are to preserve Ipswich's commitment to "Options for All" and to support more affordable housing opportunities, while reducing opportunities to overdevelop lots.

"Infill Housing": This provision was established in 2003 to encourage development of single-family homes in the IR District as an alternative to multi-family development. Originally "infill" projects were allowed only on "double lots" in subdivisions of 5,000 square foot lots laid out around the early 20th century, decades before the Town's first zoning bylaws in the 1950s. The provision was expanded in 2017 to include all lots having 10,000 sq. ft. of area and at least 100 feet of frontage, with limitations on the size of the single-family house, and requiring a \$40,000 payment into Town's Affordable Housing Trust Fund. By multiple measures, the Infill Housing provision has been successful: multiple single-family homes have been built on lots in keeping with the size of existing lots in their immediate neighborhood, and also relatively comparable in size and design, and over \$250,000 has been deposited in the Affordable Housing Trust Fund.

However, the Infill houses built over the past few years have sold at prices presumed to not be affordable to households earning moderate incomes. Also, there has been some concern that the current maximum floor area requirement may work reasonably well in certain areas of the IR District but less so in others.

Detached Accessory Dwelling Units: The 2020 Housing Production Plan Strategy #6 is to "provide more flexibility to create Accessory Dwelling Units (ADUs) and allow the creation of tiny houses or other small detached accessory units." This proposal aims to increase the supply of small, moderate and affordably priced housing within the IR District, close to the Town's center; and to promote development that is compatible with the character and development pattern of its surrounding neighborhoods.

Proposals:

1. Article X: Footnote 11 Section VI., Footnotes to the Table of Density & Dimensional Regulations

To see if the Town will vote to amend the Ipswich Protective Zoning Bylaw as follows:
(bold italics = new language; strikethrough = language to be deleted)

(1) Amend Section VI., Table of Uses, as follows:

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 (%)
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 ^H	90	50	20	10	20	40	—	30
	All other permitted uses	8,000	90	50	20	10	20	40	—	30

(2) Amend Section VI., Footnote 11 to the Table of Density & Dimensional Regulations as follows:

The Planning Board may increase the number of dwelling units allowed under this requirement by special permit if it determines that a proposed multi-family dwelling or multi-family residential development would provide public benefit to the general public...

Under no circumstances shall the Planning Board allow less than the following minimum lot area for multi-family dwellings, multi-family residential development, and mixed residential/business uses, measured on a per unit basis: In the CB and GB Districts, 5,000 square feet (s.f.) plus 2,000 s.f. per unit for multi-family, and 3,000 s.f. plus 1,500 s.f. per unit for residential mixed uses; ~~in the IR District, 5,000 s.f. plus 3,500 s.f. per dwelling unit, except for the residential conversion of buildings containing non-residential uses and in existence on the effective date of this zoning amendment, for which the minimum lot area shall be no less than 5,000 s.f. plus 2,000 s.f. per dwelling unit. This footnote shall not apply to parcels in the IR District which have less than 12,000 s.f. of lot area.~~ (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04; Amended by 11/7/17 Special Town Meeting; approved by Attorney General 2/26/18)

or make any other changes relative thereto.

2. Article Y: Revisions to Infill Housing and to Accessory Building Conversion

To see if the Town will vote to amend the Ipswich Protective Zoning Bylaw by revising Section IX.S and Section IX.P as shown below: (*bold italics* = new language; ~~strike through~~ = language to be deleted)

(1) Amend Section IX.S, Single-Family House Lots as shown below:

"S. *Infill Single-Family House Lots*

1. The purposes of this subsection are to:

- a. Encourage the development of moderately priced detached single-family homes.
- b. Ensure that the development of such homes is done in a manner that is consistent with both the character and the development pattern of their surrounding neighborhoods.
- c. Provide funding to support ongoing Town efforts to provide housing opportunities for households earning up to 80% of the Median Regional Household Income.

2. Applicability

To be eligible for division into separate house lots under this subsection, an existing lot in the IR District must meet the following requirements:

- a. The lot must have sufficient lot area and frontage to allow its division into two lots, with each new lot having a minimum of fifty feet of street frontage and 5,000 square feet of area.
- b. The area of the existing lot shall be less than one acre.
- c. The lot shall contain no more than one principal building, and that building shall be a single-family house which, as of the effective date of this provision, is located in a manner that allows the creation of an additional house lot that meets the requirements of this paragraph 2 and paragraph 3 below without needing to be demolished or relocated.
- d. In no instance shall the area of the newly created lot be less than 40% of the area of the lot to be subdivided.
- e. The division of a lot under this subsection is only allowed pursuant to a special permit from the Planning Board.

Existing lots which conform to an original subdivision layout, in which they were held separately or combined with an adjoining lot or lots, are also eligible to divide into separate house lots if they meet the above requirements, except that they are not necessarily limited to one additional house lot, and are not subject to 2.d.

3. ~~Standards and Conditions~~ *Dimensional, Size and Layout Requirements*

~~Any special permit approved by the Planning Board to create an infill single family house lot under this subsection shall be subject to the following conditions~~ *To be eligible for a special permit, the new infill lot and house shall meet the following dimensional and layout requirements:*

a. The only buildings permitted on the new lot shall be a single-family house ~~not exceeding 2,200 square feet of floor area,~~ and one accessory building ~~of no more than 150 s.f. in area.~~

b. The minimum lot width and front yard setback requirements for the existing and proposed houses shall be fifty (50) feet and ten (10) feet, respectively, except that the non-impacted side yard setback for the existing house, if legally nonconforming, may remain at its current setback, and the front yard setback for the new house may be modified by application of Footnote 1 to the Table of Dimensional and Density Regulations in Section VI.

~~e. The Applicant shall make the new house permanently affordable as defined in Section IX.I of this bylaw, or pay a fee of \$40,000 into to the Town's Affordable Housing Trust Fund. The fee may be adjusted by the Planning Board from time to time by the issuance of guidelines or regulations, pursuant to paragraph 3.a.ii in Section IX.I of this bylaw.~~

~~d. In addition to finding that the application satisfies the criteria described in Section XI.J. of this bylaw, the Planning Board must also find that the proposed single-family house will be compatible with the development pattern of the neighborhood, in terms of design, siting, massing, scale, and materials, and the lot layout. To inform its determination, the Board may seek an advisory opinion from the Design Review Board.~~

c. The maximum floor area of single-family houses and accessory dwellings, in total, allowed under this subsection shall be determined by multiplying the area of the infill lot by twenty percent (20%), except that in no instance does the maximum floor area need to be less than 1,600 sq. ft., and in no instance may the maximum floor area exceed 2,000 sq. ft.

d. An accessory building shall be no greater than 150 sq. ft. in area, unless it is designed as a one-car detached garage, in which case it may be up to 330 square feet in area, provided the principal dwelling doesn't contain a garage.

e. To ensure that the development of infill detached single-family dwellings is done in a manner that is consistent with both the character and the development pattern of their surrounding neighborhoods, the Applicant is required to submit an application to the Design Review Board.

4. Review Criteria

In addition to finding that the application satisfies the criteria described in Section XI.J. of this bylaw, the Planning Board must also find that the proposed single-family house will be compatible with the development pattern of the neighborhood, in terms of design, height, siting, massing, scale, materials, and layout.

5. Condition of Approval

Any special permit approved by the Planning Board to create an infill single-family house lot under this subsection shall be subject to the following condition:

The Applicant shall make the new house permanently affordable as defined in Section IX.I of this bylaw or pay a fee into to the Town's Affordable Housing Trust Fund in accordance with the Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option.'';

(2) Amend Section IX.P, Conversion of Accessory Building into Residential Unit, as follows:

... 3. Community Benefit

The Planning Board shall not grant a special permit under this subsection unless the applicant can provide a community benefit as determined by the Board.

... b. Other potential uses or actions that the Planning Board may find to meet a community need are as follows:

- i. Use of the dwelling unit for a family member, provided that upon the unit being vacated by family, use of the unit shall only be continued as a residential dwelling if it is affordable housing as defined in 3.a. above.
- ii. A fee in lieu of providing an affordable unit ***in accordance with the Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option***. ~~If the Board decides to accept a fee in lieu, the amount shall be \$15,000.~~ (Amended by STM 11/7/17; approved by AG 2/26/18)
- iii. Preservation, renovation, and reuse of an accessory building determined by the Planning Board to have historical or architectural significance.

or to make any other changes thereto.

3. Article Z: Revisions to Affordable Housing Incentives

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

(1) Amend Section V. Table of Uses as follows:

a. Modify Footnotes to the Table of Use Regulations by:

i. revising Footnote 18 as shown below:

18. Not more than one (1) principal building per lot, except as allowed in ***mixed and*** multi-family residential developments and except for permitted uses in the IR and RRA Districts as provided in Section IX.P ***and permitted uses in the IR District as provided in Section IX.U.***

b. Amend the Table of Use Regulations as follows:

TABLE OF USE REGULATIONS										
PRINCIPAL USE	DISTRICT									
Residential	RRA¹⁶	RRB¹⁶	RRC¹⁶	IR¹⁶	GB¹⁶	CB¹⁶	HB¹⁶	PC¹⁶	I¹⁶	LI¹⁶
Single-family detached dwelling (Amended 10/15/01, 10/23/01, 10/18/04 and 10/26/10 STM, AG 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	—	—	—	—	—	—
Detached Accessory Dwelling Unit	—	—	—	SPB⁴¹	—	—	—	—	—	—
Multi-family dwelling ³⁰ (Amended 10/18/04, 10/19/09 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	—	—	—

c. Amend the Footnotes to the Table of Use Regulations by inserting a new footnote 41 to read as follows:
41. Subject to the requirements of Section IX.U of this zoning bylaw.

(2) Amend Section IX. Special Regulations by adding a new subsection, "**U. Accessory Dwelling Units,**" said section to read as follows:

"U. Detached Accessory Dwelling Units

1. The purposes of this subsection are to:

- a. Increase the supply of small, moderate and affordably priced housing within the IR District, close to the Town's center.*
- b. Promote development that is compatible with the character and development pattern of its surrounding neighborhood.*

2. Applicability

Lots within the IR District with at least 12,000 sq. ft. of land area and an existing single or two family principal use only, which is in existence as of the effective date of this bylaw.

3. Dimensional Requirements

a. To be eligible for a detached accessory dwelling unit, the uses or lots listed in "2. Applicability" must conform to the following:

- i. be located on lots within the IR Zoning District having at least 12,000 square feet of lot area and upon which a single or two-family principal use existed on the effective date of this zoning provision; and*
- ii. the accessory dwelling unit shall comply with the setback requirements for principal multi-family uses in the IR District in accordance with the Table of Dimensional and Density Regulations in Section VI of the Zoning Bylaw and shall be considered a principal use for all purposes of this bylaw; and*
- iii. the new dwelling shall be no greater than 900 sq. ft. in floor area.*

4. Community Benefit

The Planning Board shall not grant a special permit under this subsection unless the applicant can provide a community benefit as determined by the Board.

a. For the purposes of this subsection, community benefit shall mean contributing to the preservation or creation of affordable housing as defined in Section IX.I. A payment in lieu in accordance with the Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option is made into to the Town's Affordable Housing Trust Fund shall be considered a community benefit. The Planning Board is authorized to allow the affordable dwelling unit to be located in the existing single family or two-family unit rather than in the new detached accessory dwelling unit. The fee may be adjusted by the Planning Board from time to time by the issuance of guidelines or regulations, pursuant to paragraph 3.a.ii in Section IX.I.

5. Conditions of Approval

Any special permit approved by the Planning Board pursuant to this subsection shall be subject to the following conditions:

a. Limitation of subdivision: No lot shown on a plan for which a permit is granted under this subsection may be further subdivided.

b. Deed restriction: Except when the Planning Board determines that a fee shall be paid in lieu of an affordable housing restriction per 3.b.ii. above, a deed restriction will be placed on the property to ensure that the affordable units remain so for a period of 99 years, or the greatest period of time allowed by law, and said affordable units must be included on the Town's Subsidized Housing Inventory.

c. Design Review Board: The Planning Board shall require a consultation with the Design Review Board concerning any dwelling units constructed pursuant to the terms of this subsection. ;

or make any other changes relative thereto.