

**VI. Protective Zoning Bylaw  
Town of Ipswich  
Massachusetts  
May 7, 1977  
(As Amended through May, 2021)**

**Section IX.H.**

**Great Estate Preservation Development (GEPD)**

(Added by 10/20/97 Special Town Meeting; approved by Attorney General 2/10/98) (Amended by 4/6/98 Annual Town Meeting; approved by Attorney General 6/2/98) (Amended by 4/5/99 Special Town Meeting & 4/5/99 Annual Town Meeting; approved by Attorney General 8/2/99 and 7/28/99, respectively) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)  
(Amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12) (Amended by 5/15/21 Annual Town Meeting; approved by Attorney General \_\_\_)

The following density standards and development requirements shall apply to a GEPD approved by a special permit from the Planning Board in lieu of the zoning provisions otherwise applicable in the RRA zoning district.

**1. Purpose**

The purposes of a Great Estate Preservation Development (GEPD) are to:

- a. Encourage the preservation and appropriate development of the building and lands of the large estate properties in the RRA District;
- b. Recognize and preserve the design integrity of landscape features, both natural and built, which contribute to the character of a Great Estate;
- c. Encourage the efficient use of such land in harmony with the natural features of the RRA District;
- d. Provide an alternative to the subdivision of an estate property for residences;
- e. Preserve open space for conservation or recreation use, and provide appropriate public access to said open space; and
- f. Protect natural features which are important to the character of the town, including the vistas of the main corridor roads. (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

**2. Permitted Uses**

The following uses may be permitted in a GEPD by special permit with site plan approval from the Planning Board, as set forth in this subsection:

- a. Any use listed in the use schedule as an allowable use in the RRA District, whether by special permit or otherwise, except that residential dwellings are allowed only as described in b. below. (Amended by 10/16/00 Special Town Meeting; approved by Attorney General 3/8/01)
- b. Residential dwelling use, provided that: (Added by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05; amended by 10/17/11 Special Town Meeting; approved by Attorney General 2/2/12)
  - i. Residential housing shall be clustered, and no individual house lot shall be greater than 20,000 square feet in size; and

- ii. No more than thirty percent (30%) of the total allowed residential housing units shall be detached single-family dwellings;
- iii. At least fifteen percent (15%) of the total units are affordable housing as defined in IX.I.3.a.ii of this zoning bylaw;
- iv. Residential dwelling use shall not exceed twenty-five percent (25%) of the maximum floor area which may be developed pursuant to this GEPD zoning, unless said residential use meets the following conditions, in which instance the residential dwelling use shall not exceed fifty-five percent (55%) of the maximum floor area of the GEPD: (a) the residential dwelling use is located in a GEPD which has an area of at least two hundred (200) acres which has remained substantially unchanged in lot configuration and size since December 31, 1996; (b) a minimum of twenty-five (25) affordable housing units shall be built; if the total number of residences constructed exceeds 180 units, the developer shall also provide fifteen percent (15%) of the total on-site market units built in excess of this number as affordable housing, or in lieu of constructing the additional affordable units, subject to the approval of the Planning Board, the developer may contribute a payment of \$50,000 for each additional affordable unit to a fund to be used for the purpose of creating or sustaining affordable housing in the Town of Ipswich. Affordable units shall be as defined in iii. above, except that up to one-third of the affordable units may be rented or sold to, and occupied by, households earning up to one hundred twenty percent (120%) of the median area household income. At least ten of the affordable units shall be located within the GEPD. Affordable units constructed off-site shall be done so in compliance with Section IX. I. 5. of this zoning bylaw; (c) no more than two hundred thirty-five (235) dwelling units, inclusive of the on-site affordable units, shall be built on-site; (d) no more than fifty percent (50%) of the units may contain more than two (2) bedrooms, and none of the units shall contain more than three (3) bedrooms; and (e) each 1,000 square feet of residential dwelling built in excess of twenty-five percent (25%) of the maximum floor area shall result in a reduction of 1,000 square feet from the maximum floor area which may be developed pursuant to this GEPD zoning;
- c. Hotel, conference center. (For the purposes of this subsection, a conference center is defined as a commercial establishment or designated area within a commercial establishment providing space for business or professional conferences, seminars, training or other meetings and customary hotel functions.);
- d. Medical and dental clinics;
- e. Health or fitness spa (For the purposes of this subsection, a health or fitness spa is defined as a commercial establishment or designated area within a commercial establishment providing facilities devoted to health and fitness.);
- f. School for instruction in golf, tennis, or other sport; golf driving range, provided it is affiliated with a golf course which is a component of the GEPD;
- g. Multi-family dwelling, provided that no more than fifty percent (50%) of the units may contain more than two (2) bedrooms, and none of the units shall contain more than three (3) bedrooms; (Amended by 10/20/03 Special Town Meeting; approved by Attorney General 1/22/04) (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)
- h. Nursing homes;

- i. Business and professional offices;
- j. Retail shops, dining facilities, and similar accessory uses primarily to serve occupants, employees or guests;
- k. Research offices or establishments devoted to research and development activities; and
- l. The processing of products arising out of, or substantially similar to, the research and development activities of a research office or establishment on the same lot; provided, however, that
  - i. Said use shall require a separate special permit from the Planning Board;
  - ii. Recognizing the unique manner in which each user may conduct its biotechnological processing, any special permit issued for such a use shall be limited to a specific user and any change in control of a corporate user shall require a new special permit for a subsequent user (For the purposes of this subsection, change of control shall be defined as (a) the sale by the user of its operating assets located on the lot to an unaffiliated entity; (b) a merger or consolidation resulting in the stockholders of the user owning less than one-half of the stock of the surviving corporation; or (c) the sale of more than one-half of the issued stock of the user to parties who were not stock-holders of the user at the time of the approval of the special permit);
  - iii. At no time shall more than fifty percent (50%) of the constructed floor area be primarily devoted to such processing; and
  - iv. The Board determines, upon consultation with the Board of Health and the Water Commissioners, that said processing use is not detrimental to the health, safety, and welfare of the community. (Amended 10/20/08 & 10/17/11 STM; approved AG 1/28/09 & 2/2/12, respectively)

### 3. Density Standards

- a. GEPD Lot Eligibility: A GEPD may be permitted on a lot which:
  - i. Had a land area of at least sixty (60) acres on January 1, 1948, and contains a great estate mansion as defined in subparagraph ii., below, and which lot has remained substantially unchanged in lot configuration and size, except for conveyances of land to the Town or a qualified conservation organization for perpetual conservation protection. For purposes of determining eligibility under this section, the lot area of a GEPD shall be defined as the total of (a) the area of the applicant's land plus (b) the area of the permanently protected land previously so conveyed after January 1, 1948, which is available for use by the general public. Contiguous lots may be added to and combined with the above-defined GEPD lot. The calculation of minimum lot size shall be done in accordance with paragraph b. (iii) below; and (Amended by 10/15/12 Special Town Meeting; approved by AG 2/5/13)
  - ii. Contains a Great Estate defined as an estate residence, constructed prior to January 1, 1948, with formal landscape features and supporting structures, which together have been certified by the Historical Commission as having historic or architectural significance; and
  - iii. Contains buildings constructed prior to December 31, 1996 which contain in aggregate a minimum of 30,000 square feet of existing floor area, and of which at least 12,500 square feet is located in the Great Estate mansion that was constructed prior to January 1, 1948. For the purposes of this GEPD bylaw, floor area is defined

as the aggregate gross floor area of all floors within all principal and accessory buildings.

- b. Floor Area of Development: For the purposes of determining the allowable floor area of buildings on a GEPD lot an applicant may only use that portion of the GEPD lot that is owned by the applicant, in accordance with the following:
- i. New Floor Area: For the purposes of determining the total new floor area which may be developed on the lot, the applicant may construct new floor area in the development such that the total resulting floor area does not exceed the product of 3,000 square feet times the number of dwelling units which could be developed under normal application of one-acre zoning requirements under the "Town of Ipswich Rules and Regulations Governing the Subdivision of Land" and in accordance with Section VI. of this zoning bylaw. The applicant shall provide with the application for special permit a site plan with verifiable soil tests indicating the number of buildable lots possible under detached single-family zoning, the State Environmental Code, Title V, the requirements of the Board of Health, the Wetlands Protection Act, and the Ipswich Wetlands Protection Bylaw and Rules and Regulations, Article 97, and other restrictions in place at the time of the calculation. Such soil tests shall be conducted as if they were actually percolation tests in accordance with the above-referenced requirements and shall be verified and attested to by a registered professional engineer.
  - ii. Additional Floor Space for Rehabilitation of Existing Buildings: A GEPD that rehabilitates or renovates all buildings and supporting structures certified by the Historical Commission as having historic or architectural significance may increase allowable floor space by the amount of square footage contained in all existing buildings that are rehabilitated or renovated as part of the GEPD development, except that new floor area developed on the lot may be increased by five (5) square feet for every square foot of floor space contained in buildings and supporting structures certified by the Historical Commission as having historic or architectural significance that are rehabilitated or renovated. The Planning Board may, by special permit, allow relief of the requirement to renovate all of the buildings certified by the Historical Commission as having historic or architectural significance in exchange for the density bonus, without loss of any related bonus square footage for other renovated buildings, except for any bonus square footage associated with the building for which relief is being sought, under the following conditions: (1) Not more than one certified building within a GEPD shall be granted relief from the requirement, and in no instance shall the building be the great estate mansion; (2) Prior to the issuance of the initial GEPD special permit, the building in question shall have been vacant, uninhabitable, and in need of substantial renovation; (3) The Planning Board must determine that the cost of renovating the subject building is so high as to render its renovation financially infeasible; (4) Materials from the building shall be reused in the renovation or rehabilitation of another certified building within the GEPD, and any remaining materials shall be made available at no cost to the Historical Commission before any material disposal may take place; (5) Photo documentation of the building is provided to the Historical Commission, in accordance with their requirements, prior to its demolition; (6) The Historical Commission must provide the Planning Board its written assent to the building's demolition; (7) No additional floor space shall be derived from the square footage of the building that is demolished; (8) In lieu of the building's preservation, the Planning Board may require the GEPD owner to contribute funds for the purpose of furthering the

preservation of historic buildings and/or structures elsewhere in Town. The Planning Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for guidance when reviewing the buildings which have been, or are proposed to be, rehabilitated or renovated. If the Planning Board determines that the reconstruction or replacement of an existing building that has not been certified by the Historical Commission as having historic or architectural significance is more consistent with IX.H.1. than the building's rehabilitation or renovation, then the Applicant may increase allowable floor space by the amount of square footage contained in all existing buildings that is replaced or reconstructed. (Amended 10/20/03 STM, AG 1/22/04; 10/18/04 STM, AG 1/27/05; 10/17/11 STM, AG 2/2/12)

- iii. Wetlands/Coastal Exclusion: For a lot which contains wetlands and/or floodplain, or which is subject to the Rivers Protection Act, only one-half the area which is designated as wetlands and/or floodplain, or is subject to the Rivers Protection Act, may be considered in the lot area calculations. For the purposes of determining lot area, the Federal Insurance Floodplain Maps (FIRM) and the Town of Ipswich General Wetlands Bylaws shall be used to determine floodplain, wetlands, and areas subject to the Act.
- iv. Maximum Density: The total allowable floor area obtained through the application of the formulae described in sub-paragraphs (1) and (2) above, shall not exceed eight percent (8%) of the area of the lot.

#### 4. Building Design Standards

When constructing or renovating buildings in a GEPD, the Applicant is encouraged to make the buildings as energy efficient and eco-friendly as possible. Guidelines for "green" building construction are available from the Town Department of Planning & Development. Applicants are also encouraged to choose building designs and materials that are attractive and which complement the natural landscape. (Amended by 10/18/04 Special Town Meeting; approved by AG 1/27/05)

#### 5. Development Requirements

- a. Town Water: The development shall be served by a water system deemed adequate for fire protection and domestic use by the Water Commissioners and by the Fire Chief.
- b. Sanitary Sewer/Septic: The development shall be served by the Town's sanitary sewer system or by one or more on-site disposal systems conforming to the State Environmental Code, Title V and the regulations of the Board of Health. If, however, in the judgment of the Board, the topography and/or soil conditions are such that it would be more efficient to allow (1) a private central sanitary sewer system, notwithstanding the lot's location in a Water Supply District, and/or (2) allow an underground common septic system or individual septic systems to be placed in the preserved open space, this configuration may be permitted. Prior to making such judgment, the Planning Board shall seek the review and recommendations of the Board of Health, Department of Utilities, Board of Water Commissioners, and the Conservation Commission. If a GEPD is located within a Water Supply District and a private central sanitary sewer system is proposed, the Planning Board shall not approve a special permit under this subsection unless and until said system shall have received a favorable recommendation from the Board of Water Commissioners, which recommendation shall not be unreasonably withheld. All systems are further subject to approval by the Board of Health and any other governmental authority having jurisdiction.
- c. Open Space Restriction: A minimum of forty percent (40%) of the land owned by the

applicant shall either be: (Amended by 10/18/04 Special Town Meeting; approved by Attorney General 1/27/05)

- i. Conveyed to the Town of Ipswich and accepted by it for open space use;
- ii. Conveyed to the Commonwealth of Massachusetts as part of a state forest, park, or wildlife management area;
- iii. Conveyed to a non-profit corporation, the principal purpose of which is the conservation of open space, and made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts;
- iv. Made subject to a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of Chapter 184 of the General Laws of the Commonwealth of Massachusetts running in favor of either the Town or, upon the approval of the Planning Board, a non-profit corporation, the principal purpose of which is the conservation of open space. The conservation restriction shall provide that such land shall be kept, in perpetuity, in an open or natural state, in accordance with the above-noted sections of Chapter 184 of the General Laws.

In designating the open space, the applicant shall apply the guidelines adopted by the Planning Board in May of 1997, entitled CRITERIA FOR EVALUATING PROPOSED OPEN SPACE. At least a portion of the open space shall be available for use by the general public, unless the applicant can provide compelling reasons to the Planning Board why such access would be infeasible. If it is deemed necessary to achieve the purposes of this subsection, the Planning Board may increase the open space minimum requirement by not more than ten percent (10%).

d. Dimensional Regulations

- i. A minimum setback of one hundred (100) feet shall be provided between a GEPD and abutting lots, and a buffer strip consisting of vegetated area with a minimum depth of one hundred (100) feet shall be provided between the GEPD and any street line. An entry drive, along with a gate house and appropriate signage, may be permitted within the buffer strip. If a boundary line of the GEPD is adjacent to permanent open space, such as Town, State, Federal or privately-restricted open space, the Planning Board may require that the first thirty (30) feet of the setback from such open space be a landscaped buffer. The Planning Board may decrease or increase by not more than twenty percent (20%) any buffer area requirement if, after site plan review by the Board, the Board deems such action to be reasonable and appropriate.
- ii. The area developed for commercial use, including buildings, parking, outdoor recreational structures, and areas paved for vehicular use, shall not exceed twenty percent (20%) of the total area of the lot. Walking or bicycle trails shall not be counted in the calculation of the twenty percent (20%) limitation.
- iii. The development shall be subject to site plan review in accordance with the provisions of Section X.
- iv. Newly constructed or renovated buildings in a GEPD may be four (4) stories in height, provided that the building height does not exceed the maximum height allowed under Section VI. G. 2. of this bylaw.
- v. Notwithstanding anything to the contrary contained in this zoning bylaw, in granting a special permit and site plan approval for a GEPD, the Planning Board may reduce

any of the foregoing dimensional requirements, or increase the height requirement, to a maximum of twenty-five percent (25%), provided that in no instance shall a building contain more than four stories.

- vi. Newly constructed buildings in a GEPD, other than gatehouses, shall be setback at least two hundred fifty (250) feet from a public way.
  - e. Streets and Further Subdivision: Any subdivision of the GEPD which is subject to MGL C.41 shall be in accordance with the Rules and Regulations Governing the Subdivision of Land in the Town of Ipswich. After issuance of a GEPD special permit and site plan approval, and establishment of the required open space for the GEPD, as a whole, the GEPD may be subdivided into lots which may be less than sixty (60) acres and may be held in separate ownership, provided that each portion of the subdivided site remains subject to all of the applicable terms and conditions of: (1) the GEPD special permit, and (2) the site plan approval for the improvements on such portion of the site.
  - f. Phasing: Phasing of the GEPD, as approved by the Planning Board, shall be permitted either pursuant to phasing described in the initial special permit application or in subsequent special permit or site plan review applications. The special permit and site plan approval shall not be deemed to have lapsed so long as the applicant shall have commenced use of the Great Estate Preservation special permit or site plan approval in substantial accordance with the phasing time frames set forth in the special permit and site plan approval application. The Planning Board shall have the authority to require a performance bond or other similar mechanism if it determines that such a mechanism is necessary to ensure that the key components of the project are satisfactorily completed.
6. Special Permit Application Process

All special permit applications for GEPD shall be made and filed on the appropriate application form. For an application to be considered complete, it shall provide all information required by the Rules and Regulations Governing Granting of Special Permits, available from the Department of Planning and Development, and by any regulations adopted in accordance with paragraph 9 below.

The special permit application shall also be accompanied by a certification from the Historical Commission of all historically and/or architecturally significant buildings, landscape features and supporting structures located on the site, said certification to be based on the criteria set forth in Chapter XVI. of the General Bylaws of the Town of Ipswich; and by nine copies of a site development report, which shall summarize how the proposed GEPD satisfies the special permit criteria being considered by the Planning Board. The site development report should include, at minimum, an inventory of natural resource features, wildlife and their habitat; an inventory of the Great Estate consistent with current standards required for documentation for nomination to the National Register of Historic Places, and a general inventory of all other existing buildings, structures and landscape features; and an outline of how the following issues and impacts will be addressed by the development: (a) pedestrian and vehicular access to the site; (b) public safety issues; (c) provision of landscaping/buffering; (d) protection of wildlife habitats; (e) provision of utilities; (f) open space and recreation; (g) water supply and drainage issues; (h) layout and density of site development; (i) the preservation and rehabilitation of the exterior features, character and structural integrity of the Great Estate, and the open space, vistas, stonework, gardens, and other historic landscape features and supporting structures associated with the Great Estate; and (j) building design and materials, including exterior elevations of existing and proposed

buildings. To the extent possible, the information provided in the report shall be shown in map form, accompanied by written narrative.

**7. Review Criteria**

In addition to applying the special permit general conditions described in Section XI., subsection J., of this zoning bylaw, and the standards, requirements, or conditions set forth in this Section IX. I., the Board shall review the special permit application in accordance with the following criterion: the proposed GEPD will, by its design and layout, succeed in: (a) preserving open space for conservation and/or recreation purposes, and providing appropriate public access to the open space; (b) protecting natural features of the land which are important to the character of the town; and (c) preserving the buildings, structures, and landscape features of the large estate properties in the RRA District.

**8. Preliminary Review**

Prior to submitting a special permit application to the Planning Board for a GEPD, the applicant is strongly encouraged to submit a preliminary concept plan for review by the Planning Board and a Development Review Committee appointed by the Town Manager. The preliminary review shall provide an opportunity for the applicant to identify early in the process the preferences of the Planning Board and Review Committee relative to the development of the site. The Review Committee shall include the chairs of the Conservation Commission, Open Space Committee, Bay Circuit Trail Committee, and Historical Commission, or their designees; the Directors of the Town Departments of Utilities, Code Enforcement, Public Works, Public Safety, and Planning & Development; a professional architect; a professional landscape architect; a professional civil engineer, and one or more residents from the neighborhood in which the GEPD is proposed.

The preliminary concept plan should show: (a) the location, height, density, and architectural treatment of all buildings proposed for construction or renovation; (b) the size, location and proposed use of the open space; (c) the location of all existing and proposed parking areas and access roads within and without the GEPD; (d) the type and probable location of the proposed utilities; and (e) a delineation of any wetlands or other environmentally-sensitive land on the property. The preliminary concept plan should be accompanied by a certification from the Historical Commission of all historically and/or architecturally significant buildings, landscape features and supporting structures located on the site, said certification to be based on the criteria set forth in Chapter XVI. of the General Bylaws of the Town of Ipswich.

**9. Advisory Opinion**

Within ten (10) days of receipt of a special permit application for a GEPD, the Planning Board shall transmit copies of the application to the aforementioned Development Review Committee and the Historical Commission, which shall review the application and submit their recommendations to the Planning Board within forty-five (45) days of the referral of the application.

**10. Adoption of Rules and Regulations:**

- v. The Board shall adopt an application form and rules and regulations in accordance with the provisions of this subsection. Said rules and regulations shall specify the application process, type and number of required plans, and general requirements in order to assist the developer in complying with the intent of this subsection.