



The Commonwealth of Massachusetts

Department of the Attorney General

State House, Boston 33

George Fingold
Attorney General

December 24, 1957

Mr. Anthony A. Murawski
Town Clerk
Ipswich, Mass.

Dear Sir:

I return herewith zoning by-law adopted by the town of Ipswich on November 4, 1957, under article 3, together with zoning map, with the approval of the Attorney General noted thereon.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Fred W. Fisher".

FRED W. FISHER
Assistant Attorney General

FWF:MOS

Encls.

The Town of Ipswich Planning Board will hold a PUBLIC HEARING on Tuesday, October 29, 1957, at 8:00 P.M. at the Ipswich High School Auditorium in reference to the following PROPOSED PROTECTIVE ZONING BY-LAW FOR THE TOWN OF IPSWICH, MASSACHUSETTS.

The PROPOSED PROTECTIVE ZONING BY-LAW and the ZONING DISTRICT MAP of the Town of Ipswich, dated September, 1957, has been filed with the Town Clerk and which has been mailed to every registered voter in the Town of Ipswich and which has been posted at the warrant posting places and will be on view at the Public Hearing.

IPSWICH PLANNING BOARD
By: Chester J. Patch, Jr.
Chairman

Town of Ipswich, Massachusetts

PROPOSED PROTECTIVE ZONING BY-LAW

SECTION I. PURPOSE

The purposes of this protective by-law are to promote and conserve the health and welfare of the inhabitants of the Town; to secure safety from fire; to facilitate the adequate provision of transportation, water, sewerage, and other public requirements; to conserve the value of land and buildings; to avoid undue concentration of population; to encourage the most appropriate use of land; and to further increase the general welfare of its inhabitants by preserving, promoting and developing its many outstanding characteristics and the unique position that Ipswich holds in the historical background of our country; all in accord with the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Sections one to twenty-two (1-22) inclusive, and any amendments thereto.

SECTION II. CHANGE IN USE OF BUILDINGS, STRUCTURES, AND LAND PERMITTED

- A. Any lawful building or structure or use of a building, structure or land, or part thereof existing at the time this by-law is adopted may be continued although such building or use of building or land does not conform to the provisions of the district in which it is located, provided such use has not been abandoned for a period of one (1) year, except in the case of land used for agriculture, horticulture, or floriculture where such non-use of non-conforming uses of land, buildings or structures shall have existed for a period of less than five (5) years. Such building or structure or use of building, structure or land may be altered or enlarged up to one hundred per cent (100%) of the original floor area and/or land area in use at the time of the adoption of this by-law and to a greater extent when approved by the Board of Appeals.

The use of any non-conforming building, structure or land may be changed to a use permitted in the most restricted district in which the present use would be conforming provided

(2)

a use permitted in a less restricted district. Such building, structure or use of land may be rebuilt or restored at the same location and again used as previously, in the case of a building, structure or use of land destroyed or damaged by fire, explosion, or other catastrophe; providing that in rebuilding it shall be made to conform to this by-law so far as practicable, and further provided that such rebuilding or restoring shall be completed within two (2) years after such catastrophe. It is further provided that the building or structure or use of land as restored shall be no greater in floor or land area than the original building or structure unless permitted by the Board of Appeals.

B. GENERAL PROTECTIVE PROVISIONS

For safety and the general welfare, all principal buildings designed or intended for residence purposes hereafter erected or moved shall front upon a public way or upon a private way of sufficient width to secure safety from fire, which private way shall have a travelled surface of not less than twelve (12) feet in width. All other principal building shall have access to such a way.

Any lots of land described in a deed and recorded or in a subdivision approved by the Planning Board at the time of the adoption of this by-law may be used for any permitted use in the district in which the lot is located, provided that lots which do not conform are used with the minimum non-conformance as to yards; except in the case of side yards, for each foot that such lot is less than eighty (80) feet wide, one (1) foot may be deducted from the sum of the widths of the two side yards, but no side yard shall be less than five (5) feet; and except that lots now under lease prior to the date of the adoption of this by-law may be sold and used for any use permitted in the district in which the lot existed, subject to the provisions of this section; and further provided that any lot on which more than one house existed at the time of the adoption of this by-law may be divided and sold to separate owners and used with the minimum of non-conformance.

SECTION III. DEFINITIONS

For the purposes of this by-law certain terms and words are herein defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "lot" includes the word "plot"; the word "land" includes the words "marsh" and "water".

- a. **ACCESSORY BUILDING.** A subordinate building located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land.
- b. **ACCESSORY USE.** A use customarily incidental to that of the main building or to the use of the land.
- c. **A FAMILY.** Any number of individuals living and cooking together on the premises as a single housekeeping unit.
- d. **STREET LINE.** The established line between the lot and the street. (This is not to be considered as the edge of the traveled portion of the road or as the gutter or curb

line of a paved street, unless said edge, gutter or curb line is on a street line as above defined.)

- e. YARD. An unoccupied space, open to the sky, on the same lot with the building or structure.
- f. YARD, FRONT. A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
- g. YARD, REAR. A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the principal building.
- h. YARD, SIDE. A yard extending between the side lot line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot lines, as may be.

SECTION IV. ESTABLISHMENT OF DISTRICTS

The Town of Ipswich is hereby divided into districts of eleven (11) types to be known as:

- 1. Rural-Residential and Agricultural Districts (RRA)
- 2. Single Residence A Districts (RA)
- 3. Single Residence B Districts (RB)
- 4. Summer Residence Districts (SR)
- 5. Old and Historic Colonial Districts (HC)
- 6. General Residence Districts (GR)
- 7. Intown Residence Districts (IR)
- 8. Highway Business Districts (HB)
- 9. General Business Districts (GB)
- 10. Limited Industrial Districts (LI)
- 11. Industrial Districts (I)

The boundaries of each of the said districts are hereby established as shown, defined, and bounded on the map accompanying this by-law and on file with the Clerk of the Town of Ipswich entitled "Zoning District Map of the Town of Ipswich, Massachusetts," dated September, 1957. All explanatory matter thereon is hereby made a part of this by-law.

- a. Where the boundary lines are shown upon said map within the street lines of public and private ways, the center lines of such ways shall be the boundary lines.
- b. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot, or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- c. Boundary lines located outside of such street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines, and dimensions shown in figures placed upon said map between such boundary lines and street lines are the distances in feet of such boundary lines from such street lines, such distances being measured at right angles to such street lines unless otherwise indicated.
- d. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications

- map.
- e. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for the less restricted portions of such lot shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has frontage in the less restricted district.
 - f. Where the district boundary line follows a stream, lake or other body of water, said boundary line shall be construed to be at the thread or channel of the stream, or at the limit of the jurisdiction of the Town of Ipswich, unless otherwise indicated.
 - g. Where the district boundary line follows approximately the edge of the marsh and upland, said boundary line shall be construed to be at the edge of the marsh and upland.

SECTION V. PERMITTED USES

- A. To promote health and to protect and conserve the value of land and buildings in the Town of Ipswich and for the other purposes of this by-law, the following uses of buildings and land shall be permitted in all portions of the Town, except in the Limited Industrial Districts:
 1. Detached single family dwellings.
 2. Churches, parish houses, religious schools, religious reading rooms, schools, public libraries and museums.
 3. Public or semi-public institutions of an historical, philanthropic or charitable character, hospitals, sanitoriums and other medical institutions.
 4. Farms, including livestock (but not a piggery), dairy farm, market gardens, orchards, nurseries, greenhouses and the sale of produce raised on the premises, provided that no stand for the sale of such produce shall be within twenty-five (25) feet of the street line.
 5. Forests, wood lots, portable wood-working mills and machinery located on the property for use in connection with the forest and wood lot operations provided there is no storage of the products on the premises within one hundred (100) feet of a street line.
 6. Buildings and necessary structures in connection with the municipal or public utilities and buildings used exclusively for governmental purposes, but not a correctional institution.
 7. Public purposes.
 8. The renting of rooms or the furnishing of table board in the dwelling to not more than five (5) persons not members of the family residing on the premises.
 9. Customary home occupations such as dress-making, millinery, home-cooking, handicraft or the offices of a physician, surgeon, dentist, real estate agent, teacher, clergyman, artist, lawyer, architect, musician, landscape architect, broker, engineer, beautician, or member of any other recognized profession, when situated in the place of residence of the operator or professional person, or in a building accessory thereto, provided that no more than twenty-five per cent (25%) of the floor area of the residence is used for the purpose of the home occupation or the professional use, and provided

that there is no external evidence of the home occupation or the profession other than an announcement sign.

10. Extention of an existing cemetery.
11. Private clubs, lodge, or other non-profit social, cultural, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business).
12. Real Estate signs not more than six (6) square feet in area, appertaining to the lease or sale of the building or of the premises on which they are located.
13. Announcement signs in connection with any of the permitted uses, provided that such signs are located on the premises with the use which they announce, and provided that they do not exceed six (6) square feet in area.
14. Sand, gravel or loam removal subject to the provisions of the Town of Ipswich by-laws regulating such removal.
15. Any use which is incidental or accessory to the foregoing and which is a use of an owner or occupant, such as:
 - a. The raising or keeping of a small flock of poultry, or of saddle horses, livestock, or other farm animals for use only by residents of the premises.
 - b. Private guest house, tool shed, playhouse, tennis court, boat house, or other building or structure for domestic use; storage of boats and boat trailers; private garage for motor vehicles, but not including more than one commercial vehicle, ~~other than farm vehicles~~, or more than one vehicle owned by a non-resident of the premises.

B. SPECIAL EXCEPTIONS ANYWHERE IN TOWN MAY BE GRANTED BY THE BOARD OF APPEALS

The following uses are permitted anywhere in the Town of Ipswich if authorized by the Board of Appeals as Special Exceptions in each specific case:

1. Poultry farms, provided buildings for such uses are at least fifty (50) feet from a street or public way line.
2. Commercial kennel, animal or veterinary hospital provided that such use is located on the same premises as a dwelling and is conducted by the resident thereof.
3. Airport or boat yard for the services of small private craft, including the incidental sale, storage and repair of such craft, but only to the extent specifically authorized by the Board of Appeals.
4. Motels, including restaurants operated in connection with motels; trailer courts or trailer parks, subject to the provisions of the Trailer Park Regulations of the Ipswich Board of Health; upon written approval of the Planning Board and after a public hearing by the Board of Appeals. Notice of such hearing shall be given by publication in a newspaper having a circulation in Ipswich and notice by mail to abutting owners, Board of Health and Director of Public Works.

1. RURAL-RESIDENTIAL AND AGRICULTURAL, SINGLE RESIDENCE A, SINGLE RESIDENCE B, AND SUMMER RESIDENCE DISTRICTS

To promote health and to protect and conserve the value of land and buildings in the Town of Ipswich and for the other purposes of this by-law, the following uses of buildings and land shall be permitted in all portions of the Town of Ipswich indicated on the accompanying map as coming under the Rural-Residential and Agricultural, Single Residence A, Single Residence B, Summer Residence, Old and Historic Colonial, General Residence, Intown Residence, Highway Business, General Business and Industrial Districts:

- 1. Any use Permitted in Section V.

A. SPECIAL EXCEPTIONS IN RURAL-RESIDENTIAL AND AGRICULTURAL AND SINGLE RESIDENCE DISTRICTS MAY BE GRANTED BY THE BOARD OF APPEALS.

The following uses are permitted anywhere in town except in the Rural-Residential and Agricultural and Single Residence Districts where they may be authorized by the Board of Appeals as Special Exceptions in each specific case:

- 1. Conversion of a single family dwelling existing at the time of the adoption of this by-law, for occupancy by not more than two families provided that the exterior design of the structure is not changed from the character of a single family dwelling, and further provided that for the second family, six hundred (600) square feet of floor area shall be provided.

2. Rest home, Convalescent or Nursing home.
3. Antique shop in a dwelling or building accessory thereto, provided that there is no exterior display (except for a sign as herein provided) and the residential character of the premises is preserved.
4. Nursery school or other agency for the day care of children, private organized camp for children or adults.
5. Golf courses, boat or canoe livery, riding stable, ski-ground or bathing beach, including the incidental sale of refreshments if primarily for the convenience related to the use (such as golf balls, fishing tackle, and the like).

2. OLD AND HISTORIC COLONIAL DISTRICTS

For the purposes of promoting the general welfare of the inhabitants of the Town of Ipswich by preserving, protecting, promoting and guiding the future development of Old and Historic Districts containing outstanding examples of early old and historic buildings, places and areas of interest, and through the benefits resulting to the economy of Ipswich in developing and maintaining its vacation travel industry through the promotion of these historic associations, and for the other purposes of this protective zoning by-law, the following use of buildings and land shall be permitted in all portions of the Town of Ipswich indicated on the accompanying zoning district map as Old and Historic Colonial, General Residence, Intown Residence, General Business, Highway Business and Industrial Districts:

1. Any use permitted in Rural-Residential and Agricultural, Single Residence A, Single Residence B, and Summer Residence Districts.
2. Double, semi-detached or two family houses.
3. Conversion of a building existing at the time of the adoption of the by-law for a nursing home, rest home, or convalescent home.
4. Conversion of a single family dwelling existing at the time of the adoption of the protective by-law for occupancy by not more than two families provided that the exterior design of the structure is not changed from the character of a single family dwelling, and further provided that for the second family, four hundred (400) square feet of floor area shall be provided.
5. Antique shop in a dwelling or building accessory thereto, provided there is no exterior display (except for a sign as herein provided) and the residential character of the premises is preserved.
6. Nursery school or other agency for the day care of children, private organized camp for children or adults.
7. Any use which is incidental or accessory to the foregoing and which is a use of the owner or occupant.

All applications for exterior alteration, enlargement, reconditioning, restoration, reconstruction, or demolishing of any building built before the American Revolution (the age of which shall be determined by the Advisory Board) shall be subject to review, and issuance of Certificates of Approval. Evidence of such approval shall be a Certificate of Appropriateness stating that

the exterior architectural features of the proposed alteration, enlargement, reconditioning, restoration, reconstruction, or demolishing of any building has been approved by the Board of Selectmen. An Advisory Board of three (3) members shall be appointed by the Board of Selectmen to consist of a member of the Ipswich Historical Society, a member of the Ipswich Planning Board, and a resident of the Old and Historic Colonial Districts.

The Board of Appeals may, upon appeal and after public hearing, grant a variance owing to conditions especially affecting such building or use where it would involve substantial hardship and where relief may be granted without detriment to the public good.

3. GENERAL RESIDENCE AND INTOWN RESIDENCE DISTRICTS

To promote health and to protect and conserve the value of land and buildings in the Town of Ipswich and for the other purposes of this by-law, the following uses of buildings and land shall be permitted in all portions of the Town of Ipswich indicated on the accompanying map as coming under the General Residence, Intown Residence, Highway Business, General Business and Industrial Districts:

1. Any use permitted in a Rural-Residential and Agricultural, Single Residence A, Single Residence B, Summer Residence and Old and Historic Colonial District.
2. Eating, Boarding and Lodging houses.
3. Funeral homes and Mortuaries.
4. Accessory uses, provided that the use is conducted by a resident occupant; that the use is conducted on the rear half of the lot at least twenty (20) feet from any main build-

ings on any adjoining lot in a residence district; that the use is not injurious or offensive to the neighborhood because of the emission of odor, fumes, dust, noise, smoke, vibrations or other causes; and that there is no display of goods visible from the street.

5. Any use which is incidental or accessory to the foregoing and which is a use of the owner or occupant.

A. SPECIAL EXCEPTIONS IN GENERAL RESIDENCE AND INTOWN RESIDENCE DISTRICTS MAY BE GRANTED BY THE BOARD OF APPEALS.

The following uses of buildings and land are permitted anywhere in the Town of Ipswich except in Rural-Residential, Agricultural and Single Residence Districts, but may be permitted in Old and Historic Colonial and General Residence Districts when authorized by the Board of Appeals as Special Exceptions in each specific case:

1. Hotel and Inn.
2. Apartment houses, apartment hotels, provided the lot on which the building is located contains eight thousand (8,000) square feet of lot area for the first two families and an additional two thousand (2,000) square feet of lot area for the next four families to be accommodated and thereafter one thousand (1,000) square feet of lot area for each additional family accommodated.

4. GENERAL BUSINESS AND HIGHWAY BUSINESS DISTRICTS.

To promote health and to protect and conserve the value of land and buildings in the Town of Ipswich and for the other purposes of this by-law, the following uses of buildings and land shall be permitted in all portions of the Town indicated on the accompanying map as coming under the General Business, Highway Business, and Industrial Districts:

1. Any use permitted in Rural-Residential and Agricultural and any Residence District.
2. Retail stores, sales rooms, retail service establishments.
3. Restaurants, taverns, cafes and other places for serving food and alcoholic beverages.
4. Business or professional offices and banks.
5. Consumer service establishments, such as barber, beauty shop, bicycle repair shop, business or trade school, catering service, collection station for laundry or dry cleaning, dressmaking or millinery shop, frozen food locker, hand or self-service laundry, photographic studio, shoe or hat repair shop, tailor shop, television or household appliance repair shop, or similar use.
6. Private clubs, hotels and inns.
7. Theatre, hall, club and other places of amusement and assembly.
8. Apartment houses and apartments in a building for which the principal use is a business.
9. Signs as regulated by state and town laws.
10. Signs, provided they advertise goods or services offered on the premises.
11. Shops for custom work or the making of articles to be sold at retail on the premises.
12. Newspaper printing and job printing.

- 13. Commercial or public parking areas for automobiles.
- 14. Automotive service establishments, public garages, gasoline service stations.
- 15. Boat yard for the services of small private craft, including the incidental sale, storage and repair of such craft.
- 16. Any use which is incidental or accessory to the foregoing.

5. LIMITED INDUSTRIAL DISTRICTS

To promote health and to protect and conserve the value of land and buildings in the Town of Ipswich and for the other purposes of this by-law, the following uses of buildings and land shall be permitted in all portions of the Town indicated on the accompanying map as coming under the Limited Industrial and Industrial Districts:

- 1. Business and professional offices and office buildings.
- 2. Research, experimental and testing laboratories.
- 3. Light non-nuisance manufacturing and manufacturing which is incidental to research and experimental laboratories.
- 4. Bottling works, paper box manufacturing, cold storage plants, electrical laboratories, commercial greenhouses, wholesale storage and warehouse facilities.
- 5. Accessory off-street parking, open or enclosed, when shielded from view from abutting streets, tracts, or lots by appropriate landscaping and, if separated from the main building, there shall be a planting strip of not less than twenty-five (25) feet.
- 6. Any accessory use when completely screened from the abutting streets, tracts or lots.
- 7. Firm name signs no larger than five (5) feet by twenty (20) feet attached to or flush to the building, but no more than one to a building
- 8. A sign bearing the firm name only, two (2) feet by six (6) feet, to be located fifty (50) feet from the highway or any public way.

6. INDUSTRIAL DISTRICTS

To promote health and to protect and conserve the value of land and buildings in the Town of Ipswich and for the other purposes of this by-law, the following uses of buildings and land shall be permitted in all portions of the Town indicated on the accompanying map as coming under the Industrial Districts:

- 1. Any use permitted in a Rural-Residential and Agricultural, a Residence, a Business or a Limited Industrial District.
- 2. Enclosed manufacturing not dangerous by reason of fire or explosion, or offensive or detrimental to the Town of Ipswich by reason of emission of dust, odor, fumes, smoke, refuse, noise, or vibration, with the written approval of the Planning Board.
- 3. Exterior storage provided that the use is screened by a fence or appropriate landscaping from view from the street or from abutting property.
- 4. Any other use not dangerous by reason of fire or explosion or offensive or detrimental to the Town of Ipswich by reason of emission of dust, odor, fumes, smoke, refuse, noise or vibration, with the written approval of the Planning Board.
- 5. Any use of land or buildings which is incidental or accessory to the foregoing.

SECTION VI. AREA AND WIDTH OF PROPERTY FOR DWELLINGS

A. To promote health and to protect and conserve the value of land and buildings and for the other purposes of this protective by-law, buildings and structures used for human occupancy may be located on any lot provided the lot contains at least the area and has at least the width at the front main wall of the main building at the setback line as set forth for each district as follows:

1. In Rural-Residential and Agricultural Districts--an area of one (1) acre, exclusive of marshland, and a width of one hundred ninety (190) feet.
2. In Single Residence A. Districts--an area of 25,000 square feet and a width of one hundred twenty-five (125) feet.
3. In Single Residence B. Districts--an area of 12,500 square feet and a width of one hundred (100) feet.
4. In Summer Residence Districts--an area of 9,000 square feet and a width of ninety (90) feet.
5. In Old and Historic Colonial Districts--an area of 8,000 square feet and a width of eighty (80) feet.
6. In General Residence Districts--an area of 10,000 square feet and a width of ninety (90) feet.
7. In Intown Residence Districts--an area of 8,000 square feet and a width of eighty (80) feet.
8. In Highway Business, General Business and Industrial Districts--the same as in Single Residence B. Districts.

B. No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, frontage, setback yard or height provisions of this by-law applicable to the construction of the building on the lot. This provision shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.

SECTION VII. LOCATION AND HEIGHT OF BUILDINGS

A. To promote health by providing adequate light and air around buildings and to protect and conserve the value of land and buildings and for the other purposes of this protective by-law, buildings and structures may be built to the following heights and may be located or placed on the lot to within the following distances from street or public way lines, side and rear lot lines:

1. In Rural-Residential and Agricultural Districts--to within fifty (50) feet of a street or public way, to within forty (40) feet of a side and to within thirty (30) feet of a rear lot line.
2. In Single Residence A. Districts--to within thirty (30) feet of a street or public way, to within twenty (20) feet of a side and twenty (20) feet of a rear lot line.
3. In Single Residence B. Districts--to within twenty-five (25) feet of a street or public way, to within twelve (12) feet of a side and twenty (20) feet of a rear lot line.
4. In Summer Residence Districts--to within

- twenty (20) feet of a street or public way, to within twenty (20) feet of a side and twenty (20) feet of a rear lot line.
- 5. In Old and Historic Colonial Districts--to within twenty (20) feet of a street or public way, to within ten (10) feet of a side and twenty (20) feet of a rear lot line.
- 6. In General Residence Districts--to within twenty (20) feet of a street or public way, to within fifteen (15) feet of a side and twenty (20) feet of a rear lot line.
- 7. In Intown Residence Districts--to within twenty (20) feet of a street or public way, to within ten (10) feet of a side and twenty (20) feet of a rear lot line.
- 8. In Highway Business Districts, for residence purposes--to within twenty-five (25) feet of a street or public way, to within twelve (12) feet of a side and twenty (20) feet of a rear lot line. For all other buildings--to within fifty (50) feet of a street or public way, fifty (50) feet from a Residence District line on either side, and to within fifty (50) feet of a rear lot line.
- 9. In General Business Districts, for residence purposes--to within twenty-five (25) feet of a street or public way, to within twelve (12) feet of a side and twenty (20) feet of a rear lot line. For all other buildings, to the street or public way line, to within ten (10) feet of a Residence District line on either side, to within twenty (20) feet of a rear lot line except where the building extends through the block.
- 10. In Limited Industrial Districts--to within fifty (50) feet of a street or public way, to within twenty-five (25) feet of a side and to within fifty (50) feet of a rear lot line.
- 11. In Industrial Districts, for residence purposes--to within twenty-five (25) feet of a street or public way line, to within twelve (12) feet of a side and to within twenty (20) feet of a rear lot line. For all other buildings, to within twenty-five (25) feet of a street or public way and fifty (50) feet from a Residence District line on either side.

B. EXCEPTIONS TO THE LOCATION OF BUILDINGS

- 1. Notwithstanding the above provisions, no building in any district need be located or placed further from the exterior line of any street or public way than the average distance, from such street or way line, of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of fifty (50) feet or more shall be considered as though occupied by a building having the required setback, and a lot separated from the lot in question only by a vacant lot having a frontage of less than fifty (50) feet shall be deemed an adjacent lot.
- 2. The front, side and rear yard provisions hereof may be varied by the Board of Appeals in the specific case of an irregular, narrow, or shallow lot or a lot unusual either in shape or topography, provided that in the opinion of the Board, it is impossible or extremely difficult to adhere to such provisions.

3. Nothing herein shall prevent the projection of cornices or eaves not exceeding eighteen (18) inches in width, or of uncovered steps, unroofed porches, or window sills into any required yard or other open space.

C. HEIGHT

In all districts, except as hereinafter provided, buildings and structures may hereafter be erected or structurally altered to a height not exceeding three (3) stories or forty-five (45) feet.

1. In all districts, farm buildings, churches, municipal or institutional buildings, and spires, domes, steeples, radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, ventilators and other appurtenances usually carried above the roof may have any height.

SECTION VIII. GENERAL PROVISIONS

A. FLOOR AREA.

In buildings and structures the following floor areas must be provided for all dwelling units. Six hundred (600) square feet of interior ground floor area for the first dwelling unit, six hundred (600) square feet of floor area for the second (2nd) dwelling unit and four hundred (400) additional square feet of floor area for the third (3rd) dwelling unit where conversion is permitted, exclusive of cellars, said area to be measured to the exterior walls of buildings and structures, provided that the Board of Appeals may issue a temporary permit for occupancy of a building or structure with less floor area and for trailers situated outside of a trailer court or trailer park, for a period of not more than twelve (12) months.

B. CORNER CLEARANCE.

On a corner lot in any Residence District, to provide visibility unobstructed at intersections, no sign, fence, wall, tree, hedge, or other vegetation, and no building or other structure between three (3) feet and eight (8) feet above the established street grades shall be erected, placed and/or maintained within the area formed by the intersection of the street lines and a straight line joining said street lines at points which are twenty (20) feet distance from the point of intersection of ways or tangents of curves or rounded curves, measured along said street lines.

C. ACCESSORY USES AND ACCESSORY BUILDINGS

1. One or more detached accessory buildings may be located in the rear yard areas, and on the same lot as the principal building, provided that not more than twenty-five per cent (25%) of the required area shall be so occupied, and further provided that an accessory building shall not be located nearer than ten (10) feet from the principal building and at least five (5) feet from any side or rear lot line, and subject to the yard requirements of the district in which it is located. An accessory building attached to its principal building shall be considered.

an integral part thereof and as such shall be subject to the front, side and rear yard requirements applicable to the principal building. With the exception, that in any lot having one hundred (100) feet or less in width at the front wall of the main building, the accessory building attached or detached may extend to within five (5) feet of any side line.

- 2. A garage or storage space for private motor vehicles, attached (an integral part of the structure), or detached (an accessory building), shall be considered an accessory building and may provide space for as many as two (2) cars for their principal uses in Residence Districts subject to the provisions of paragraph one (1) above, of this section, and all other uses in Business and Industrial Districts may have additional spaces to store necessary equipment.
- 3. Off-street automobile parking, open or enclosed, shall be considered an accessory use. In all districts, each residential, professional, business or industrial use, established after the adoption of this by-law shall provide adequate off-street parking space, on the same lot, in the same district, to accommodate the automobiles or other conveyances of customers, patrons and employees, and to serve the delivery requirements of the establishment. When such off-street parking area or space cannot be reasonably provided on the same lot, in the same district, the Board of Appeals may grant a special permit therefor on land with a radius of three hundred fifty (350) feet therefrom, in the same or a less restricted district. The off-street parking spaces provided shall be graded, drained, and provided with a dust-free surface and shall be permanently available as parking space for their respective uses.

SECTION IX. ADMINISTRATION

A. ENFORCEMENT.

This by-law shall be enforced by the enforcing officer who shall be the Board of Selectmen who shall grant no permit for the construction, alteration, relocation, occupancy or use of any building, structure or premises in violation of any provision of this by-law. Whenever any permit or license is refused because of some provision of this by-law, the reason therefor shall be clearly stated in writing.

The enforcing officer may institute appropriate legal proceedings to enforce the provisions of this by-law or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the permit for occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this by-law.

With each application for a permit to build, there shall be filed a plan showing the lot, the area, and location of which justify the building. No building hereafter erected, altered or relocated shall be used and no change shall be made of the use of any building or any parcel of land, except for the use of land for agriculture, horticulture, or floriculture, unless an occupancy permit signed by the enforcing officer had been granted to the owner or occupant of such land or building. Such permit shall not be granted un-

less the proposed use of the land or building and all accessory uses comply in all respects with this by-law and no use shall be made of such land or building except the use or uses authorized by such occupancy permit.

B. BOARD OF APPEALS.

A Board of Appeals consisting of five (5) members and two (2) associate members shall be appointed as provided in Section fourteen (14) of Chapter forty A (40A) of the General Laws, as amended, which shall act on all matters within its jurisdiction under this by-law in the manner prescribed in said section and subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land, and conserving property values, that it shall permit no building or use of land or building that is injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

C. AMENDMENTS.

This by-law may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided in Section six (6) of Chapter forty A (40A) of the General Laws, and any amendments thereto.

D. VALIDITY.

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

When this by-law imposes a greater restriction of the use of buildings, structures, or premises, or on height of buildings, or requires larger yards, or open spaces than are imposed or required by any regulations or permits, or by any restrictions, easements, covenants, or agreements, the provisions of this by-law shall control.

E. REPETITIVE PETITION.

The acceptance of this by-law includes the acceptance of Chapter forty A (40A), Section twenty (20) of the General Laws of the Commonwealth of Massachusetts and any amendments thereof.

F. EFFECTIVE DATE.

This by-law shall take effect upon adoption by the Town, the approval of the Attorney General of the Commonwealth of Massachusetts, and publication, as provided by law.

Above proposed by the Ipswich Planning Board.

CHESTER J. PATCH, JR.
Chairman
DONALD F. WHISTON
RICHARD R. MANSFIELD
JOHN G. MARKOS
CHARLES W. HERRICK