

## ARTICLE XIV

### **SCENIC OVERLAY ZONE**

#### 14.1 Purpose

The purpose of the Scenic Overlay Zone is to preserve the landscape of Topsfield and maintain the scenic and rural character of the southern entryway to the Town.

#### 14.2 Description of District

The Scenic Overlay Zone is delineated by the Ipswich River on the north, by the town line of the Town of Topsfield on the south and by boundary lines running parallel to Route 1 located 1000 feet from the centerline of Route 1 on the east and west. The Scenic Overlay Zone is shown on the Official Zoning Maps of the Town of Topsfield and is identified by the abbreviation SOZ.

#### 14.3 Scope of Authority

The Scenic Overlay Zone is an overlay district superimposed on the Town of Topsfield's zoning districts. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and to new or expanded uses of a property located within the Scenic Overlay zone, except for single-family building additions.

#### 14.4 Uses in the Scenic Overlay Zone

Uses within the Scenic Overlay Zone shall be limited to those permitted in the underlying ORA zoning district. Uses that are prohibited in the underlying zoning district are not permitted in the Scenic Overlay Zone. Uses that are permitted in the underlying ORA District are defined in Article III, 3.02 and 3.04 Table of Use Regulations of the Topsfield Zoning By-law and elsewhere in the Topsfield Zoning By-laws.

#### 14.5 Development Standards

A. Projects located within the Scenic Overlay Zone shall be designed to preserve and complement the visual context of the natural area. The purpose of this By-law is accomplished by locating development so as to lessen its visual impact, preserving open space, preserving existing trees, providing additional landscaping, and screening of mechanical equipment, accessory facilities and parking facilities.

B. All use of lots subject to this chapter shall conform to the following:

1. Minimum Setback – The setback of buildings on lots with frontage on Route 1 shall at a minimum be 100'.
2. Site Mitigation – Any damage, loss or disturbance to the natural vegetation and grading that result from construction activity shall be mitigated by restoration of disturbed areas within the 100 foot minimum setback from Route 1 to its original state.
3. All parking shall be screened from Route 1.
4. All garbage collection areas, dumpsters and mechanical equipment must be screened from view.
5. All healthy trees over twelve inches in diameter that are within the setback area shall be retained unless they are located within a new utility easement, roadway, or Town-required construction easement.
6. If the façade of the building is visible from Route 1, two rows of trees, one deciduous and one evergreen, shall be planted along the length of the building so as to screen the building.

Upon application, the granting authority, as defined in Section 9.05, and acting pursuant to its authority and in accordance with the site plan review procedure set forth in that section, may allow for new grading and screening other than that required by condition B.2, or allow trees to be cut as otherwise prohibited by B.6, above, but only upon the applicant's demonstration that it is impractical or impossible to satisfy such conditions, and then only to the extent that such allowances satisfy the intent of this Article, as set forth in Section 14.4, above.

C. The use of lots subject to this Article that are also subject to site plan review shall satisfy the following standards in addition to those set forth in Section 9.07:

1. All construction shall be located to the extent possible behind natural elevations and vegetated areas of the property so that it is not visible from Route 1.
2. To the extent that it is feasible, development shall be integrated into the existing landscape through the use of building placement, landform treatment and visually compatible existing or new screening. All site improvement shall be laid out and constructed to minimize environmental and other impacts on protected resources.
3. All efforts shall be made to preserve the natural grading, vegetation, and any other unique features of the property.
4. Projects located within the Scenic Overlay District shall be designed to complement the visual content of the natural area. Architectural, site and landscape design techniques shall be used to protect the natural scenic views across, through, or to the site.

D. The use of lots subject to this Article that also require a special permit shall satisfy the standards set forth in Section C above, as part of the Conditions and Safeguards applicable to special permit uses pursuant to Section 5.04.B.

#### 14.6 Severability

All the clauses of this by-law are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this by-law.

(Art. 45, 5/4/2005)