ATTACHMENT C

May 6, 2008 Annual Town Meeting 2008 Zoning Amendments

ARTICLE THIRTY-SECOND:

Creation Of "English Commons of Topsfield" Elderly Housing District

"It being determined to be consistent with the purposes of the Zoning Bylaw, as amended, and the Master Plan for the Town, the property as described hereafter, being approximately sixty-eight and 83/100 (68.83) acres (less 14,979 square feet, as is described below), known as "English Commons at Topsfield", formerly called "Page Estate", and being shown as parcel 1 on Topsfield Assessors' Map 81 (revised to January 1, 1998) and being bounded on the East by Boston Street (Newburyport Turnpike, U.S. Route 1) and on the West by Rowley Bridge Road, is rezoned as an Elderly Housing District, and the Zoning Map of the Town of Topsfield, Massachusetts, is so amended.

The legal description of the property referred to above is comprised of that area of land situated in the Town of Topsfield, bounded and described as follows:

That certain parcel of land situated on the easterly side of Rowley Bridge Road in Topsfield, Massachusetts, bounded and described as follows:

Beginning at a point on a stone wall on the easterly sideline of Rowley Bridge Road, said point being located N 09° 44' 13" W a distance of One Hundred Seventy One and 57/100 (171.57) feet from a MASS Highway Bound, and also being located S 09° 44' 13" E a distance of Two Hundred Thirteen and 83/100 (213.83) feet from a second MASS Highway Bound;

Thence running N 85° 02' 49" E for a distance of Five Hundred Eighty Six and 68/100 (586.68) feet to a point;

Thence turning and running S 32° 42" 18" E for a distance of Three Hundred Ninety Seven and 53/100 (397.53) feet to a point on the Topsfield / Danvers Town Line;

Thence turning and running along said Town Line N 65° 13' 14" E for a distance of Seven Hundred Sixty One and 44/100 (761.44) feet to a point on the sideline of US Route 1, Newbury Port Turnpike;

Thence turning and running along said Newbury Port Turnpike N 33° 09' 20" E for a distance of Five Hundred Fifty Two and 07/100 (552.07) feet to a MASS Highway Bound;

Thence running along said Newbury Port Turnpike N 33° 09' 20" E for a distance of Four Hundred Ninety Eight and 47/100 (498.47) feet to a point;

Thence turning and running N 16° 09' 10" W for a distance of Ten and 48/100 (10.48) feet to an iron pipe;

Thence running N 16° 09' 10" W for a distance of Three Hundred Eighty One and 52/100 (381.52) feet to a drill hole at a stonewall corner;

Thence running along said stonewall N 11° 19' 50" W for a distance of One Hundred Seventy Seven and 63/100 (177.63) feet to a drill hole in said stonewall;

Thence running along said stonewall N 11° 19' 50" W for a distance of Seventy Nine and 45/100 (79.45) feet to a point at the end of said stonewall;

Thence turning and running N 45° 28' 14" W for a distance of Thirty One and 44/100 (31.44) feet to a stone bound with drill hole;

Thence running N 37° 04' 27" W for a distance of Two Hundred Eighty Six and 61/100 (286.61) feet to a stone bound with drill hole;

Thence running N 21° 44' 01" W for a distance of Five Hundred Ninety and 89/100 (590.89) feet to a stone bound with drill hole;

Thence running N 40° 44' 32" W for a distance of Four Hundred Eleven and 49/100 (411.49) feet to a stone bound with drill hole;

Thence turning and running S 48° 59' 35" W along a stonewall for a distance of One Hundred Fifty One and 01/100 (151.01) feet to a drill hole in said stonewall;

Thence running S 51° 19' 04" W along said stonewall for a distance of Three Hundred Sixty Seven and 56/100 (367.56) feet to a drill hole in said stonewall;

Thence running S 52° 26' 04" W along said stonewall for a distance of One Hundred and 95/100 (100.95) feet to a drill hole in said stonewall;

Thence running S 64° 40' 36" W along said stonewall for a distance of One Hundred Ninety Five and 58/100 (195.58) feet to a drill hole in said stonewall;

Thence running S 61° 06' 10" W along said stonewall for a distance of One Hundred Forty Eight and 31/100 (148.31) feet to a drill hole a stonewall corner;

Thence turning and running S 05° 24' 43" W for a distance of Two Hundred Sixty Six and 47/100 (266.47) feet to a point;

Thence turning and running S 84° 35' 17" E for a distance of Two Hundred Ninety Six and 35/100 (296.35) feet to a point;

Thence running S 81° 40' 32" E for a distance of One Hundred Twenty Eight and 12/100 (128.12) feet to a point;

Thence turning and running S 12° 03' 54" E for a distance of Six Hundred Ninety Four and 80/100 (694.80) feet to a point;

Thence turning and running S 71° 43' 07" W for a distance of One Hundred Seventeen and 95/100 (117.95) feet to a point;

Thence turning and running S 02° 19' 17" E for a distance of Three Hundred Seventy and 30/100 (370.30) feet to a point;

Thence turning and running S 64° 26' 24" W for a distance of One Hundred Twenty Seven and 48/100 (127.48) feet to a point;

Thence running S 72° 03' 06" W for a distance of Six Hundred Thirty Two and 80/100 (632.80) feet to a point;

Thence running S 52° 07' 20" W for a distance of Two Hundred Eighty Four and 91/100 (284.91) feet to a point at the sideline of said Rowley Bridge Road;

Thence turning and running along said Rowley Bridge Road S 18° 34' 40" E for a distance of Seventy Nine and 31/100 (79.31) feet to a before referenced MASS Highway bound;

Thence running along said Rowley Bridge Road S 09° 44' 13" E for a distance of Two Hundred Thirteen and 83/100 (213.83) feet to the point of beginning.

Meaning and intending to describe land with the buildings thereon as described in Deed Book 15761, Page 128, consisting of 68.83 acres (minus 14,979 square feet) to the Trustees of Boston College dated 22 June 1999.

Shown on a plan entitled "Plan of Land in Topsfield, MASS, owned by B.J.P Realty Trust, George W. Page, Trustees, Scale 1" equals 100' dated November 3, 1981, made by Hayes Engineering, Inc., Civil Engineers and Land Surveyors" and recorded with Essex South District Registry of Deeds in Plan Book 171, Plan 38, containing 68.83 acres of land all as set forth on said plan to which the plan reference is made. Excepting from the aforementioned plan Lot 21B as shown on a plan of land entitled "Plan of Land in Topsfield, Mass., Scale 1" equals 100', August 21, 1984, Hayes Engineering Inc." and recorded with said Registry of Deeds in Plan Book 190, Plan 75, containing 14,979 square feet of land all as set forth on said plan. Said exception shown as an undefined triangle in the northwest corner of the first referenced plan".

ARTICLE THIRTY-THIRD:

Creation of "New Meadows Golf Course" Elderly Housing District

"It being determined to be consistent with the purposes of the Zoning Bylaw, as amended, and the Master Plan for the Town, the property as described hereafter, being approximately fifty-two acres known as " the New Meadows Golf Course" and being shown as lots as Block 4 and Block 5 on Assessors Map 8 and further described in the Deed recorded with the Essex South District Registry of Deeds in Book 25001 Page 351 and being bounded generally by the Newburyport Turnpike (Route 1) and Wildes Road is rezoned as an Elderly Housing District, and the Zoning Map of the Town of Topsfield, Massachusetts, is so amended.

The legal description of the property referred to above is comprised of that area of land situated in the Town of Topsfield, bounded and described as follows:

<u>Parcel I</u> Beginning on the Easterly side of the Newburyport Turnpike at land now or formerly of Tilton Brothers; thence turning and running in an Easterly direction as the wall now stands by said Tilton Brothers land to land now or formerly of Price; thence turning and running by said Price land Easterly to a brook; thence turning and running Southerly as the brook now runs by land now or formerly of Bell and by land now or formerly of Palmer to Wildes Street; thence turning and running Westerly by Wildes Street to land now or formerly of Donaldson; thence turning and running Northerly by said Donaldson land as the wall stands to the center of the driveway; thence turning and running in a Southerly direction by said driveway as the wall now stands to a stone wall at land now or formerly of Palumbo to the Newburyport Turnpike; thence turning and running Northerly by the Newburyport Turnpike to said Tilton Brothers land and the point of beginning.

<u>Parcel II</u> A parcel of land containing four acres, more or less, on the Easterly side of the Newburyport Turnpike, sometimes called "Wildes Field" and bounded and described as follows:

SOUTHERLY	By Parcel I above;
WESTERLY	By the Newburyport Turnpike;
NORTHERLY and EASTERLY	By land formerly of Bell.

Parcel III A parcel of Land bounded and described as follows:

Containing approximately 6.4 acres of woodland and swamp, and being shown as the lot containing 6.4 acres on the plan entitled, "Plan of Land in Topsfield, Mass., for Clarence E Savolainen, et ux, Route 1, 1922 Layout, Meridian Scale 1" = 40", drawn by Walter W. Martin, Registered Land Surveyor, 196 Laurel Street, Melrose, Mass., dated December, 1961" and recorded with the Essex South District Registry of Deeds in Plan Book 98 as Plan 42.

<u>Parcel IV</u> A parcel of land, containing one acre, more or less, bounded and described as follows:				
SOUTHERLY	by way leading from the Newburyport Turnpike to the house now or formerly or Foster;			
NORTHWESTERLY	by the way leading from said Turnpike to the house now or formerly of Perkins; and			
EASTERLY	by other land now or formerly of Perkins",			

Shown on a plan entitled "Plan of Land located in Topsfield, Mass., Prepared by Eastern Land Survey Associates, Inc., Christopher R. Mello, PLS, 104 Lowell St., Peabody, MA. 01986, Scale: 1" = 100', March 1, 2007 Prepared For New Meadows Enterprises LLC".

ARTICLE THIRTY-FIFTH:

3.11 Uses in the Business District Highway North

A. Purpose and intent

The Business District Highway North, located at the intersection of Route 1 and Ipswich Road, is a small scale, mixed-use, retail, commercial and residential zone. Development in this zone shall reflect the rural and historic nature of Topsfield and shall reflect the character of surrounding residential neighborhoods relative to uses, the scale of development, and traffic patterns. Further, the impact of development in this zone on surrounding residential areas shall be minimized relative to light, noise, fumes and congestion.

B. Principal Uses shall be as permitted in the Table of Use Regulations.

C. Mixed uses shall be allowed in structures in the Business District Highway North provided that each principal use is separately allowed, by right or by special permit, in the Table of Uses for the Business District Highway North.

D. Pedestrian walkways should be included to accommodate pedestrian access within a lot and to accommodate pedestrian access to adjacent lots within the district.

E. Buffer Strips shall be required for lots in the Business District Highway North. Such buffer strips shall be installed and maintained to conform to the following standards.

- 1. Between lots used for commercial purposes the buffer strip shall be at least ten (10) feet wide and planted with grass, groundcover, shrubbery or trees.
- 2. Between lots in the Business District Highway North and lots either zoned or used residentially, the buffer strips shall conform to the provisions of Article IV, Section 4.05.

- 3. For lots with residential use, the buffer strip shall contain a dense screen of evergreens no less than six (6) feet in height, or it shall contain a dense man-made screen, or a combination of these two (2) screens. Where man-made screens are erected, these shall be designed to present an attractive façade which shall reflect the general architectural style of the premises. Whichever screen or screens are-proposed, they shall be so located on the buffer strip and be of such dimensions as to effectively protect the premises from exterior lights, auto headlights, noise, scattered refuse, dust, fumes, and smoke.
- 4. Vehicular access across buffer strips may be approved by the Special Permit Granting Authority to enable better vehicular movement, safety, and access between lots.
- 5. Pedestrian walkways may be included within buffer strips.

F. Parking requirements shall conform to the provisions of Article IV, Section 4.12, except for Section 4.12D, and shall be calculated according to the separate uses within mixed use structures.

G. Development in the Business District Highway North shall be subject to Site Plan Review under Article IX of the Topsfield Zoning By-laws.

H. Development in the Business District Highway North shall conform to the density and dimensional standards of Article IV of the Topsfield Zoning By-laws with the following additional requirement:

1. The footprint of any individual building shall not exceed 3500 sq. ft.

I. Uses may be in one building, or groupings of buildings. Uses may be in one building, or groupings of buildings. The Special Permit Granting Authority may approve a special permit that includes uses in buildings, groupings of buildings, or portions of buildings that are owned by different entities where such uses are consistent with the safety of the occupants and the public and which are consistent with the overall intent of this section.

J. Conditions in the Business District Highway North.

- 1. The building or buildings on any lot shall be served by common parking areas and by a common exit and entrance.
- 2. The building(s) on any lot shall have common design features through the use of building materials, architectural style, and color. The design of the buildings shall be consistent with Topsfield's architectural heritage.
- 3. All trash containers, dumpsters, and utility features must be screened from view by the building or by fencing and landscaping. All roof top mechanicals units shall be located so as not to be visible from street level or from public areas from ground level.
- 4. All non-residential uses shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles and so that delivery vehicles can be parked completely out of the right-of-way.
- 5. Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nightime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

K. No trailers, temporary or portable structures, vehicles or containers used for storage or warehousing of goods or material shall be allowed, except for such temporary structures, vehicles or containers associated with construction on the lot.

ARTICLE THIRTY-SEVENTH:

Amend Section 3.02 Table of Use Regulations: (changes in bold italics)

- 1. Amend Abbreviations with the insertion of *"P*"* for Mixed Use
- 2. Amend Section 2.1 by deleting the word "Church" and replacing with "Houses of Worship"
- 3. Add the Business District Highway North with the zone designation of "Mixed Use"; and further, insert categories of uses for said district within the Table of Use Regulations

*P** = *Permitted only within Mixed Use*

		BHN
1. Res	idential	
1.1	Single Family Dwelling	Р
1.2	Two Family Dwelling	P*
1.3	Multi-Family Dwelling	P*
1.4	Multi-Family Residence for the Elderly	See Elderly Housing District
1.5	Lodging and Boarding houses	NP
1.6	Temporary Accessory Apartments	Р
	2. Community Facilities	
2.1	House of Worship	Р
2.2	Non-Profit School	Р
2.3	For Profit School	S
2.4	Town building except Public Works Garage	Р
	& Fire Station	
2.5	Town Public Works Garage & Fire Station	NP
2.6	Publicly-owned recreational facilities	Р
2.7	Privately-owned recreational facilities	NP
2.8	Library or Museum	Р
2.9	Cemetery	NP
2.10	Day Camp for Children	NP
2.11	Public Utilities	S
2.12	Civic and Social Organizations	S
2.13	Communications and telephone towers	See Article XII for restrictions and regulations.
2.14	Hospital	S
2.15	Nursing and Community Care Facilities	S
2.16	Conference and Event Facility	S
	3. Agriculture	
3.1	Agricultural, horticultural, viticultural and	Р
	floricultural production	
3.2	Non-commercial forestry	Р
3.3	Commercial forestry (excluding milling)	S
3.4	Farm Stand (on property of less than 5acres)	S
3.5	Farm Stand (on property of more than 5 acres)	Р

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t selling principally	NP			
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t selling foods	S			
t selling sporting goods	S			
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supply and perfume store	S			
t selling hand-crafts	S			
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5.08	Storage Facilities	NP
5.09	Wholesale automobile sales	NP
5.10	Research office and development facilities	S
	6. Accessory Uses	
6.01	Home Occupation	Р
6.02	Accessory building or other structure subject	NP
	to provisions of Article VI	
6.03	Accessory uses normally incidental to	Р
	residential uses including keeping of domestic	
	animals and agricultural and horticultural uses	
6.04	Accessory private garage for not more than	NP
	three commercial vehicles except on farm	
6.05	Storage of one unregistered motor vehicle,	NP
	trailer, boat or motorized home in the open	
	not within any required setback	
6.06	Accessory outside storage necessary for	NP
	operation of principal use	
6.07	Accessory Signs	Р
6.08	Accessory parking and loading spaces	Р
6.09	Swimming pools, tennis courts and similar	Р
	uses accessory to a residence.	

ARTICLE FORTIETH:

3.12 Uses in the Business District Highway

A. Purpose and intent

The Business District Highway located on Route 1 is a mixed-use retail, commercial and residential zone. Connected to the Business District Village by three streets, the Business Highway Zone is designed to serve as an attractive gateway to Topsfield's central commercial area. Development in this zone shall reflect the rural and historic nature of Topsfield.

B. Principal Uses shall be as permitted in the Table of Use Regulations.

C. Mixed uses shall be allowed in structures in the Business District Highway provided that each principal use is separately allowed, by right or by special permit, in the Table of Uses for the Business District Highway.

D. Pedestrian walkways should be included to accommodate pedestrian access within a lot and to accommodate pedestrian access to adjacent lots within the district.

E. Buffer Strips shall be required for lots in the Business District Highway. Such buffer strips shall be installed and maintained to conform to the following standards.

- 1. Between lots used for commercial purposes the buffer strip shall be at least ten (10) feet wide and planted with grass, groundcover, shrubbery or trees.
- 2. Between lots in the Business District Highway and lots either zoned or used residentially, the buffer strips shall conform to the provisions of Article IV, Section 4.05.

- 3. For lots with residential use, the buffer strip shall contain a dense screen of evergreens no less than six (6) feet in height, or it shall contain a dense man-made screen, or a combination of these two (2) screens. Where man-made screens are erected, these shall be designed to present an attractive façade which shall reflect the general architectural style of the premises. Whichever screen or screens are proposed, they shall be so located on the buffer strip and be of such dimensions as to effectively protect the premises from exterior lights, auto headlights, noise, scattered refuse, dust, fumes, and smoke.
- 4. Vehicular access across buffer strips may be approved by the Special Permit Granting Authority to enable better vehicular movement, safety, and access between lots.
- 5. Pedestrian walkways may be included within buffer strips.

F. Parking requirements shall conform to the provisions of Article IV, Section 4.12, except for Section 4.12D, and shall be calculated according to the separate uses within mixed use structures.

G. Development in the Business District Highway shall be subject to Site Plan Review under Article IX of the Topsfield Zoning By-laws.

H. Development in the Business District Highway shall conform to the density and dimensional standards of Article IV of the Topsfield Zoning By-laws.

I. Uses may be in one building, or groupings of buildings. Uses may be in one building, or groupings of buildings. The Special Permit Granting Authority may approve a special permit that includes uses in buildings, groupings of buildings, or portions of buildings that are owned by different entities where such uses are consistent with the safety of the occupants and the public and which are consistent with the overall intent of this section.

J. Conditions in the Business District Highway

- 1. The building or buildings on any lot shall be served by common parking areas and by a common exit and entrance.
- 2. The building(s) on any lot shall have common design features through the use of building materials, architectural style, and color. The design of the buildings shall be consistent with Topsfield's architectural heritage.
- 3. All trash containers, dumpsters, and utility features must be screened from view by the building or by fencing and landscaping. All roof top mechanicals units shall be located so as not to be visible from street level or from public areas from ground level.
- 4. All non-residential uses shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicles and so that delivery vehicles can be parked completely out of the right-of-way.
- 5. Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

K. No trailers, temporary or portable structures, vehicles or containers used for storage or warehousing of goods or material shall be allowed, except for such temporary structures, vehicles or containers associated with construction on the lot.

ARTICLE FORTY-FIRST:

Amend Section 3.02 Table of Use Regulations: (changes in bold italics)

1. Amend the following uses in the Business District Highway as described below; and further, amend the Business District Highway zone designation from "Commercial" to "Mixed Use"

P^{*} = *Permitted only within Mixed Use*

		BH
1. Re	sidential	
1.1	Single Family Dwelling	NP P
1.2	Two Family Dwelling	NP P *
1.3	Multi-Family Dwelling	NP P *
1.6	Temporary Accessory Apartments	NA P
	3. Agriculture	
3.7	Home farm products stand	NP P
	4. Retail and Service	
4.03	Hardware store	NP S
4.04	Retail establishment selling foods	NP S
4.05	Retail establishment selling sporting goods	NP S
4.06	Pharmacy	NP S
4.07	Optical Goods Store	NP S
4.08	Cosmetics, beauty supply and perfume store	NP S
4.09	Retail establishment selling hand-crafts	NP S
4.11	Dry-cleaning and laundry establishment (except coin operated)	NP S
4.12	Restaurant	NP S
4.19	Drive-in and drive-through establishment	S <i>NP</i>
4.23	Art Gallery	NP <i>P</i>
4.25	Barber Shops	NP S
4.26	Beauty Salons	NP S
4.27	Skin and Nail Care Salons	NP S
4.28	Medical and Dental Offices	S P
4.29	Chiropractors. Offices	S P
	6. Accessory Uses	
6.01	Home Occupation	NA P
6.03	Accessory uses normally incidental to residential uses including keeping of domestic animals and agricultural and horticultural uses	NA P

2. Add Section 4.33 Florist and Section 4.34 Catering with the insertions of the following uses within the Table of Use Regulations

Permitted Uses		ORA	IRA	CR	BV	BH	BHN	BP
4.	Retail and Service							
4.33	Florist	NP	NP	NP	Р	Р	Р	Р
4.34	Catering	NP	NP	NP	S	S	S	S