

**ZONING BOARD OF APPEALS  
Ipswich, Massachusetts**

**Meeting Minutes  
January 21, 2021**

Pursuant to a written notice posted by the Town Clerk and published in the Ipswich Local News, a newspaper of general circulation; the Ipswich Zoning Board of Appeals held a meeting on Thursday January 21, 2021 at 7:30 p.m. remotely via Zoom Video Conferencing, in accordance with the Governor's 3.12.20 Order suspending provisions of the Open Meeting Law to promote public health and safety and social distancing during the public health emergency.

Members tuned in were Chair Robert Gambale, Benjamin Fierro, Lewis Vlahos, Rob Clocker and Justin Planasch. Also, Administrative Assistant Marie Rodgers. This meeting was recorded.

**Citizen Queries:**

Marinie Clippinger, 242 Argilla Rd asked if the Essex Rd 40B public hearing would be closed this evening.

Paula Jones, 40 Lakeman's Lane asked to have 'chat' enable.

Rick Richter, 38 Fellows Road explained how to raise your hand on the zoom page.

**Continued Public Hearings:**

**26 Essex Road** (Assessor's Map 54A, Lot 14A) **36 Essex Road** (Map 54C, Lot 22); **38 Essex Road** (Map 54C, Lot 22A) **42 Essex Road**, (Map 54C, Lot 23) and **44 Essex Road** (Map 54C, Lot 24) **Essex Pastures, LLC** requests Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct one hundred ninety-four (194) residential rental units, of which forty-nine (49) units would be affordable to households earning no more than eighty-percent (80%) of the area median income. (continued from the June, 2018 all of 2019; through January, February, March, April, May, June, July, August, September and October 15, November 12, 2020 meetings)

Chairman Gambale read the legal notice and re-opened the public hearing at 7:43 p.m. Barbara Carboni Attorney for the Board was present.

The Petitioner was present represented by his attorney John Smolak, who introduced the team; Joseph Peznola, P.E. Hancock Associates, Hancock Associates. Andrew Zalewski, AIA, MZO Group, James Emmanuel & Associates, Ken Cram, P.E. Bayside Engineering and Ed Marchant financial advisor.

Attorney Smolak reviewed documents submitted. Chair Gambale noted that this hearing would be kept brief and discussion would take place at a special meeting next week. Attorney Smolak spoke to the letter from the Select Board. The Chair recognized Linda Alexson, 19 Juniper Street, Select Board Chair. She read the letter dated 1/20/2021 into the record. A brief discussion took place concerning water, the Water Use Mitigation Fee, and subsidize housing inventory. Chair advanced the conversation, reiterated that comments would be tabled to next week's meeting, which will be solely dedicated for resident comments and applicants review of updated plans and he will announce the letters received.

Attorney Smolak agreed to continue the public hearing to January 28, 2021 and agreed to the 180-day extension of time to February 25, 2021.

**MOTION:** Chair Gambale moved to continue the public hearing to the January 28, 2021 at 7:00 p.m. via zoom. Mr. Planasch seconded, the motion passed with a rollcall vote.

*Documents and exhibits used by the Appeals Board:* December 8, 2020 email -John Leo email in objection – no address; December 14, 2020 – email from Jane Mosco, 24 Meadowview Lane, Ipswich; December 17, 2020 – letter from Dick Berggren, 7 Bayview Road, Ipswich; December 21, 2020 – email from Scott and Martha Finlay, 2 Bowdoin Rd, Ipswich; December 21, 2021 email from Scott Thompson, 21 Farley Ave, Ipswich; December 28, 2021 – letter from Kelly & Paul Conboy, 4 Interval Way, Ipswich ;December 30, 2020 Keri MacRae email with link to AECOM report; December 30, 2020 – Paula Jones – 40 Lakeman’s Lane, Ipswich; December 31, 2020 Joyce Kippin, 50 Lakemans’s Lane, Ipswich 4pg letter and scan doc “6 Summary...;December 31, 2020 Jo Ann Buccigrosso, 2 Drumlin Road, Ipswich; January 4, 2021 Marni Zea Clippinger, 242 Argilla Road, Ipswich;

January 7, 2021 email from John Bruni with attachments 8 pgs. Hancock Associates and 7 pgs. site plan EV1- EV7

January 8, 2021 letter from Chub Whitten, School Committee Chair re: bus stop; January 11, 2021 email from Jake Kelly, 16 Masconomet Rd, Ipswich; January 12, 2021 – email from Paula Jones & Robert Spurrier, 40 Lakeman’s Lane, Ipswich; January 13, 2021 email from Jacki Kronenberg, 6 Essex Road, Ipswich; Janet Taisey Craft, 52 East Street

January 19, 2021 -Email with attachments from John Bruni: Hancock Associates dated 1.14.2021; proposed bus stop dated 1.14.2021; Preliminary Site Plan dated 2.19.2020; Bld A 8 units A-16 –A19; Bld B A-14 & A15;

**25 Pleasant Street, Elder Friendly Housing, LLC. Karl Mayer** requests a Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct eight (8) age-restricted for-sale dwelling units of which 25% (2 units) would be subsidized for low to moderate income use. (Map 41B Lot 043) (Continued from August 2018; all of 2019; March, April, May, June, July, August September, October and November 2020 meetings)

Chairman Gambale read the legal notice and re-opened the public hearing at 8:11 p.m. Attorney Paul Haverty from MHP, technical assistance to the Board was present.

Attorney Paul Ross representing the applicant reviewed the submittals (hereby incorporated by reference) plans dated 1.13. 2021 cover letter, traffic study update by Traffic study from Vanasse & Associates, landscape design and planting, landscape cut sheet, exterior lights, lamp post for walkways. Attorney Paul Ross indicated that an approval letter from Mass Housing is forthcoming for the reduction of units from eight to four.

He spoke to the landscape plan and elimination of the previously proposed fence, reasoning the scale back to two buildings; plantings will be spread around the site. Chair responded that from the onset of the project the neighbor’s concerns for privacy gave rise to a fence. Attorney Ross indicated he will speak to the applicant about it. There will be an updated site plan that will show the locations of lighting and lighting will be substantially reduce.

Discussion continued concerning utilities, town owned land consisting of islands of grass areas along the roadway. Chair requested that all correspondence with town departments go through the ZBA office. Dan Rowland from the Electric Department submitted an email addressing how the building would be fed and attached an IMDL Load letter to be filled out.

Chair recognized Kathleen Spinale, 27 Pleasant St who expressed her dismay for the removal of the fence and spoke to the need for screening, appreciated the reduction of units, but opined it was still too dense for the neighborhood.

Ted Spinale, 27 Pleasant St asked about the utilities source and removal of the fence is not considerate for the neighbors. He asked about the process of Mass Housing’s approval, noting the aging in place was removed. Attorney Ross related a verbal agreement and of receipt the approval letter being delayed. The ZBA office should receive the letter soon.

Chair Gambale asked Attorney Ross to return the fencing as previously planned.

Attorney Ross then spoke to the waivers and expects an updated electronic version next week to the ZBA office.

Chair recognized Julie O’Leary, 23 Pleasant Street located directly across the street. She expressed concerns for increased traffic, building height impinging on her privacy and density of the project. She initiated discussion concerning the affordable unit. One of the four units would be low to moderate income. O’Leary asked for 50% of AMI. Chair Gambale explained under DHCH regulations, the Board is not allowed to require a greater reduction.

Chair recognized Nancy Bergner, 3 Blaisdell Terrace expressed her concerns about traffic and vehicles backing out onto Blaisdell Terrace and cars parking along the street; she reiterated the safety issue, privacy issue, height and lack of fencing.

Cheryl and Bob Ferris, 1 Blasidell Terrace echoed concerns for traffic, vehicles backing out onto the street, parking issues, density.

Ted Spinale, 27 Pleasant St opined it was a 'garbage plan' two building on a small lot. He cited same objections of traffic, and the lack of site line, looking up Pleasant Street.

Attorney Ross agreed to continue the public hearing to February 18, 2021. Attorney Haverty said he was not available on the 18<sup>th</sup> of February. Attorney Ross agreed and will provide an Extension of Time to March 19, 2021.

**MOTION:**

**Chair Gambale moved to continue to the public hearing to the 2/18/2021 meeting, at 7:30 p.m. via Zoom conferencing. Mr. Vlahos seconded, the motion passed unanimously with a roll call vote.**

*Documents and exhibits used by the Appeals Board: Cover letter from Law Office of Paul L. Ross Jr. dated 1.13.2021; Landscape Design Plan; Landscape planting cut sheet Proposed Exterior Lights; Possible lamp post for walkways; Traffic study from Vanasse & Associates.; email dated 1.15.2021 from Dan Rowland Electric Line Crew Foreman for town of Ipswich.*

**2 Vincent Road, Richard & Kathleen Comunale request a Special Permit and/or Variance** pursuant, but not necessarily limited to, Sections XI.J, XI.K, II.B.1 and VI.F Table of Dimensional and Density Regulations-footnote 2- for relief from the required left side yard setback to 1.5feet to locate an open-sided woodshed (32'x4'x7') (Assessor's Map 22D/Lot 110/111), located in the Rural Residential B (RRB) Zoning District. (continued from the October and November meetings)

Chairman Gambale read the request from the Petitioner to continue to the February 18, 2021 meeting at 7:30 p.m. via zoom.

**MOTION:**

**Chair Gambale moved to continue to the public hearing to the 2/18/21 meeting, at 7:30 p.m. via Zoom conferencing. Mr. Vlahos seconded, the motion passed unanimously.**

*Documents and exhibits used by the Appeals Board: 11.19.2020 revised brief 2 pgs; two hand drawn sketches showing proposed structure; 1.21.2021 request to continue to February 18, 2021.*

**27 Town Farm Rd, Wayne Moses** requests a **Special Permit and/or Variance** pursuant to, but not necessarily limited to sections XI.J & XI.K – also, II Applicability A. and B.1, 2, and 5 and VI.F to construct a detached garage after a fire and reduce the side yard setback by no more than 50% of the required. (Assessor's Map 30B Lot 050) located in the Rural Residential A (RRA) Zoning District. (Continued from the August, September, October and November 2020 meeting)

Chairman Gambale read the legal notice and opened the public hearing at 9:11p.m. The Petitioner was not present. The matter was tabled to later in the meeting.

**34 Brownville Ave, Carl Nylen** requests a **Special Permit and/or Variance** pursuant, but not necessarily limited to, Sections XI.J, XI.K, and VI.F Table of Dimensional and Density Regulations for relief from the required front yard setback to construct a 600 square foot garage no closer than 12' 11½" (Assessor's Map 41B/Lot 311), located in In Town Residence (IR) Zoning District (continued from the October and November meetings)

Chairman Gambale read the legal notice and opened the public hearing at 9:15p.m. The Petitioner was present and spoke to his interpretation of the bylaws.

Discussion was held concerning the intent and interpretation of the bylaws. Board members were not in agreement with the Petitioners interpretation.

The Board and Petitioner discussed options. A variance would be required. However, if the Petitioner has the option to push garage backed further from the setback, it nullifies any hardship. The Petitioner requested to withdraw without prejudice.

**MOTION:**

**Mr. Fierro moved the Board withdraw the application without prejudice. Mr. Vlahos seconded, the motion passed with a unanimous roll call vote.** *Documents and exhibits used by the Appeals Board:* Petition and associated documentation.

**New Public Hearings:**

**16 Chattanooga Road**, Hamdi Kozlu requests a Special Permit and/or Variance pursuant, but not necessarily limited to, X.I.J, X.I.K., VI.F and Table of Dimensional and Density Regulations Footnote 2 to reduce the left side yard setback from a proposed detached garage (559 S.F. in area) by no more than 50% of the required setback. Property located at Assessors Map 23D, Lot 002 in the Rural Residential B (RRB) Zoning District.

Chairman Gambale read the legal notice and opened the public hearing at 9:36 p.m.

The Petitioner was represented by Larry Graham of HL Graham Associates. He explained the proposal with revised documents dated 12/9/2020. He spoke to the steep grade and development of the site to encourage parking off road and in a garage. The peak elevation will be eight feet above Chattanooga Road. In response to the Chair, Mr. Graham indicated that the measurements of setbacks were taken from the edge of street, with the edge of street layout the garage is 11 feet back and will put is 20-feet from the edge of gravel. He spoke with DPW and they had no problem with this concept. The Board requested the applicant submit a letter from DPW. Discussion took place concerning the lack of architectural plans. The applicant indicated that they were in the process of selecting an architect and could have those plans for the March meeting.

Discussion was held concerning the future development of the lot, Mr. Graham indicated there would be, but the design would not require additional zoning relief.

Chair recognized Amy Porter 15 Chattanooga Road who read her letter citing shadows, increase density, increase activity and options to locate the garage on the double lot.

Chair read letter objecting to the project into the record from Michael Karpa 12 Bunker Hill Rd; and Thomas Larsen, 14 Chattanooga Rd in objection (hereby incorporated by reference)

Mr. Graham agreed to continue in order to provide an architectural rendition of the proposal as requested by the Board and a letter from DPW.

**MOTION:**

**Chair Gambale moved to continue to the public hearing to the 2/18/21 meeting, at 7:30 p.m. via Zoom conferencing. Mr. Fierro seconded, the motion passed unanimously with a roll call vote.**

*Documents and exhibits used by the Appeals Board: Petition and associated documents; 1.12.2021 –email letter Amy Porter, 15 Chattanooga Road; Thomas J Larson, 14 Chattanooga Rd; Michael Karpa 12 Bunker Hill Rd*

**241 Argilla Road, Joseph & Kathleen Militello** requests a Special Permit and/or Variance pursuant, but not necessarily limited to, Sections XI.J, XI.K and IX.J to construct an accessory apartment in a single family dwelling. (Assessor's Map 44, Lot 26C), located in Rural Residence (RRA) Zoning District (Continued from the November meeting)

Chairman Gambale read the legal notice and opened the public hearing at 9:35 p.m.

Attorney Richard Kallman was present representing the Petitioner. He spoke to two other special permits granted for accessory apartments 224 and 227 Argilla Rd, this one would not be much different. He spoke to the history of the house, rebuilt after a fire, the owners raised their two sons and now grown up and the house empty. They propose to convert the attached two car garage; the footprint of the house would not change. Board of Heath has been contacted, there will be a reduction of bedrooms in the existing house by conversion of a bedroom to a sitting room.

He summarized concerns of abutters as submitted in many letters (hereby incorporated by reference) stress on the septic system, environmental impact on the marsh and wetlands, traffic and common drive serves six houses, with four of them having no frontage on Argilla Road. He spoke to vehicle storage for the past twenty years, the applicants have not used their garage for the cars.

Chair questioned the layout of the accessory apartment and an adjoining door, discussion ensued. Additionally, the Board requested a letter from the BOH concerning the abandonment of a bedroom.

Chair asked if Attorney Clapp was present, representing the abutters; there was no answer.

Chair recognized Patricia Parker 235 Argilla Road. She confirmed that Attorney Clapp was not on the call. She read her letter dated 11/17/2021; she expressed concerns for the setbacks shown and not shown on the plans. Chair responded that all work would be on the interior of the structure. Criteria for an accessory apartment were discussed; the proposed apartment measures under the required 900 square feet at 840 square feet.

Attorney Kallman agreed to continue and return at the February 18<sup>th</sup>, 2021 meeting with answers about questionable door in the loft area; location of existing doors and proposed doors and deeded drive way access for the Petitioner.

#### **MOTION:**

**Chair Gambale moved to continue to the public hearing to the 2/18/21 meeting, at 7:30 p.m. via Zoom conferencing. Mr. Fierro seconded, the motion passed unanimously with a roll call vote.**

*Documents and exhibits used by the Appeals Board:* Petition and associated documents. Letters from abutters in objection; Patricia Parker 235 Argilla Rd dated 11/17/2020; Roger Louis, 6 Fox Creek Road 11/13/2020; Heidi Hennessey, 239 Argilla Rd, 11.15.2020; Bruce & Eleanor Bistran, 229 Argilla Rd; Stephen W. King, 208 Argilla Rd 11.13.2020; Hester Clapp, 215 Argilla Rd 11.12.2020; Dorothy & Ed Monnelly, 11.16.2020 2 pages; Patricia Parker 11.17.2020; Ruth McCabe-Sherwood, 225 Argilla Rd; Law Office of Charles Clapp, LLC 1.20.2021

#### **MOTION: 23-25 Jeffreys Neck Road**

Chair Gambale moved to continue to the public hearing for **23-25 Jeffreys Neck Road**, to the 2/18/21 meeting, at 7:30 p.m. via Zoom conferencing. Mr. Fierro seconded, the motion passed unanimously with a roll call vote.

#### **MOTION: 66 Labor-In-Vain Road**

Chair Gambale moved to continue to the public hearing for **66 Labor In Vain Road**, to the 2/18/21 meeting, at 7:30 p.m. via Zoom conferencing. Mr. Fierro seconded, the motion passed unanimously with a roll call vote.

**27 Town Farm Rd, Wayne Moses** requests a **Special Permit and/or Variance** pursuant to, but not necessarily limited to sections XI.J & XI.K – also, II Applicability A. and B.1, 2, and 5 and VI.F to construct a detached garage after a fire and reduce the side yard setback by no more than 50% of the required. (Assessor's Map 30B Lot 050) located in the Rural Residential A (RRA) Zoning District. (Continued from the August, September, October and November 2020 meeting)

Chairman Gambale called on the Petitioner; no one was present.

Mr. Fierro initiated discussion concerning the applicant not attending the meetings and has been on the agenda since August 2020.

**MOTION:**

Mr. Fierro moved the Board dismiss the petition without prejudice. If, the applicant decides to move forward, he will have to refile and re-advertise. Mr. Vlahos seconded the motion passed unanimously with a roll call vote.

The Board discussed timing of future meeting and agreed to start at 7:00 p.m. beginning in March and revert back to 7:30 p.m. when meeting take place in room A.

**Approval of Minutes:**

Mr. Gambale moved to approve the meeting minutes of 11.12.2020 and 11.19.2020 with minor edits. Mr. Vlahos seconded, the motion passed unanimously. (*meeting minutes hereby incorporated by reference*)

The Board discussed peer review for Pleasant St 40B and agreed to send it to the Design Review Board.

**Adjourn** - It was moved, seconded and unanimously voted to adjourn at 11:15 a.m.

Respectfully submitted,

Marie Rodgers  
Administrative Assistant

These minutes were approved by the Board with minor edits on February 18, 2021.

Pursuant to the 'Open Meeting Law' the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting; the members present or absent; the findings made and actions taken. Any other description of statements made by any person, or the summary of the discussion on any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.