

IPSWICH PLANNING BOARD

MEETING MINUTES

Meeting remotely using ZOOM

Thursday, January 27, 2022

7:00 PM

Pursuant to a meeting, notice posted by the Town Clerk and delivered to all Board members, a remote meeting of the Ipswich Planning Board was held on Thursday, January 27, 2022, remotely using ZOOM. Board members Carolyn Britt, Jeffrey Anderson, Mitch Lowe, Toni Mooradd, Helen Weatherall and Associate Member Laurie Paskavitz were present. Staff Ethan Parsons, Kristen Grubbs, and recording secretary, Odile Breton, were present.

Britt convened the meeting at 7:00 PM with a quorum present.

Britt requested an acknowledgement of attendance for all members present. Britt reviewed meeting purpose and procedures for the Board, applicants and public audience. She noted meetings will end before 11:00 PM.

Citizen Queries: None noted.

Request by of Charles and Nicole Whitten for ANR Plan endorsement plan of land at 263 Argilla Road

Charles Whitten reviewed the plan. No comments from the Board.

Lowe made a motion to approve the ANR plan as submitted and Mooradd seconded. The motion passed unanimously.

Plan: ANR Plan prepared by Keenan Survey, 4/20/21

Request by Arthur Allen for authorization to Building Inspector for temporary occupancy permits for three units at 83 High Street

Author Allen was present for the request. He noted certain items for the project cannot be completed until the spring: landscaping, final paving, sidewalks, installation of privacy fences and repairs to the neighbor's fence. Exterior lighting will be corrected as new lights were ordered. He said units 1, 2 and 3 are looking to close on the sale and move-in to the units. A temporary occupancy permit is needed for the three units. Britt asked about the location of condensers for heating and cooling. Weatherall asked if condenser noise is an issue, can it be revisited. Parsons noted the Board needs to establish a standard if it wants to regulate noise. Anderson commented on modern heat pump noise and said it is difficult to establish a noise standard.

Parsons recommended requiring surety (cash in escrow \$7,500 per unit) to ensure work is completed by a specified date. Parsons suggested June 30, 2022, deadline to complete the work for the entire project.

Public Comment: Dan Cullen, 79 High Street, said the condensers were not on the approved plans and asked if this was an amendment to the plans. Britt said this was not a request for an amendment to the plans. Cullen said he has been patient for repairs to his fence and property. He requested the repairs to his property be completed sooner rather than later.

Britt suggested different completion dates for some of the work (lighting and neighbor's fence). Lowe asked about temporary occupancy permits for the other three units. Parsons said it was up to the Board if it wanted to approve issuing temporary occupancy permits for all the units.

Lowe made a motion to authorize the Building Inspector to issue three temporary occupancy permits for units 1, 2 and 3 at 83 High Street with \$7,500 per unit to be paid by the applicant to the Town of Ipswich to be placed in escrow (surety in the amount of \$22,500). The surety will be released to the applicant once work is completed on the project to the Board's satisfaction: Exterior lighting, neighbor's (Cullen property) fence repair and extension and holes on the Cullen property to be completed by March 31, 2022, and remaining work for the project is to be completed by June 30, 2022. Mooradd seconded the motion. The motion passed with 4 votes yes.

Continued Public Hearing: Public hearing to hear input relative to potential amendments to the Planning Board Special Permit Regulations

Mooradd reviewed the final draft and asked the Board for feedback. Mooradd noted that some site plan review regulations are included for guidance purposes. Lowe said the reference should be "site plan review standards". Mooradd agreed to the edit. Parsons suggested the detached accessory dwelling unit should be relocated in the document and the fee of \$400 should be discussed. Britt said the fee should be more. It was determined that the fee be \$500 for detached accessory dwelling unit conversion. Lowe suggested additional edits and had an issue with Guideline 3. "Guideline 3: Garages should not be placed below living spaces unless they are below grade." Lowe said it is an issue because garages below living space can be an efficient use of space. Mooradd explained that it came from wanting to foster a neighborly environment with multi-family developments.

No public comments noted.

Paskavitz moved to adopt the Special Permit Regulations as drafted and edited and establish a \$500 fee for detached accessory dwelling unit conversion special permit applications. Lowe seconded. The motion passed unanimously.

Lowe moved to close the public hearing and Mooradd seconded. The motion passed unanimously.

Continued Public Hearing: Request by Helen Moore VonOehsen and William VonOehsen for a Special Permit to convert an accessory structure into a dwelling unit at 48 Turkey Shore Road (Assessor's Map 42A Lot 55), which is located in the Rural Residence A District, pursuant but not necessarily limited to Sections V, IX.P and XI.J of the Zoning Bylaw

Jeff Anderson is recused, and Laurie Paskavitz was appointed a voting member on this application.

Helen and William VonOehsen were present. The VonOehsens provided an update on the project after the APDC review. There are changes being made to the main house which are not complete. The location of a proposed conversion of an existing structure to a dwelling unit has not changed.

Paskavitz noted the Board completed a site visit and asked a question about the 15% allowed increase related to converting the barn and other structures. Mooradd read the applicable bylaw which states the structure being converted should have existing "indoor environment". VonOehsen pointed out the existing barn on a diagram and explained that there are a series of connected buildings. Grubbs suggested asking the Building Inspector for an opinion. Grubbs said it is a demolition and rebuild and not a conversion. Parsons noted "indoor environment" in the bylaw and said most conversions have involved buildings that were not habitable.

The lower level of the proposed dwelling unit was not included in the volume calculations. There was a discussion on which barn structures should be included in calculating volume. Britt expressed concern with the massing of the building and its location. Lowe asked why the applicant needs a waiver for the side yard setback and would prefer the applicant meet the 20 ft. requirement.

Public Comment: Ross York, abutter, has concerns with the overall design and loss of site lines with the development. York is also concerned about the size of the proposed dwelling unit, volume calculation and the driveway space.

Melanie O'Neal is concerned with the size of the proposed dwelling unit and it appears to be larger than what exists.

Michelle Hunton, 67 Turkey Shore Road, noted the site is in a historic neighborhood. Hunton is concerned with the scale of the project as a whole. She suggested reducing the footprint and the driveway.

VonOehsen explained the proposed dwelling unit building is on a slope and they would like to use storage space underneath to store a boat. VonOehsen explained the reason for the size of the driveway (to access garage at main house and provide access and parking to proposed dwelling unit). On the site plan, VonOehsen pointed out a public park near the site for people to enjoy river views.

Britt said the Building Inspector needs to provide input for the volume calculation and Board needs comments from the Conservation Commission (ICC).

Paskavitz moved to continue the public hearing to February 17, 2022, at a meeting using ZOOM beginning at 7:00 PM and Weatherall seconded. The motion passed unanimously.

Continued Public Hearing: Ora, Inc. for Site Plan Review, and a Special Permit to use 55 Waldingfield Road as a “Great Estate” for business purposes pursuant to Section IX.H of the Zoning Bylaw. The proposal involves the alteration of more than 2,500 sq. ft. of commercial space as described in Section X.B.1 and the increase of required parking spaces by more than 10 as described in Section X.B.3 of the Zoning Bylaw, as well as associated site work, at 55 Waldingfield Rd. (Assessor’s Map 62, Lot 14), located in the Rural Residence A Zoning District, pursuant but not limited to the sections of the Zoning Bylaw cited herein as well as XI.J

Britt noted voting members for the application are Anderson, Lowe, Weatherall, Mooradd and Britt. Chip Nylen, attorney representing Ora, Inc., John Harden, architect (Olson Lewis), Jennifer Williams, Project Manager for Ora, Inc., and Heather Monticup, Traffic Engineer (Greenman Peterson) were present for the applicant.

Britt noted that Town Counsel is writing a memo to the Board on questions from the Board. Nylen provided a brief update and said Ora, Inc. is pursuing items discussed by the Board. Ora, Inc. reached out to Greenbelt regarding the use of trails and Ora, Inc. is revising the loop trail. Nylen noted an extension for the application was filed with the Planning Department.

Monticup presented the traffic study in detail. She noted TEC (peer traffic reviewer) issued a second comment letter dated January 20, 2022. TEC is waiting for the updated site plan to confirm parking will be adequate. Collision data along Waldingfield Road was researched (data from MassDOT 2014-2018) and on average there is one collision per year on the road. More recent collision data was provided by the Ipswich Police Department (January 2016 – January 2022).

Waldingfield Road is a lightly traveled road and has nine homes. Traffic study shows Waldingfield Road can accommodate the increase in traffic. Traffic calming techniques were discussed. Nylen proposed a condition for Ora, Inc. to monitor traffic.

Elizabeth Oltman (TEC), traffic engineer peer reviewer, reviewed the responses to comments from the traffic study. She has not seen the site plan to confirm parking. She noted that traffic calming techniques may needed in Hamilton.

Anderson noted that traffic data can be difficult to understand. The road is not designed for traffic and its use has changed over time. 500-600 more trips per day is going to negatively impact the neighborhood. The Board must recognize traffic has to be addressed. Less trips to the site must be achieved. Weatherall agreed with Anderson and noted that Waldingfield Road is a designated scenic way. She said traffic solutions need to be found before the project is approved.

Lowe wants to maintain the character of Waldingfield Road and reduce the number of trips to the site. He asked how traffic calming techniques impact snow plowing. He requested more information on traffic calming techniques.

Britt asked what traffic calming techniques would be incorporated on Waldingfield Road. Monticup said speed tables and speed signs are suggested. Monticup would like to discuss options with all interested parties. She noted that speed tables can be removed for snow events requiring plowing.

Public Comment:

Tad Heuer, attorney for Friends of Waldingfield (Foley Hoag LLP), expressed concerns for traffic and noted letters sent to the Board. Ora, Inc. continues to fail to grapple with significant adverse impacts resulting from 500 trips per day to the site. It's a 400-year-old road. He introduced Professor Robert Yaro.

Professor Robert Yaro, UPenn, noted he provided a testimonial to the Board. He discussed the historical nature of Waldingfield Road and the traffic issues with corporate offices. Yaro expressed safety concerns for non-vehicular uses.

John Wigglesworth, 283 Argilla Road, said Waldingfield Road is scenic in nature and it is critical to preserve.

Tori Bottomley is concerned about the increase in traffic and parking.

Anne Burkhardt uses Waldingfield Road for equestrian purposes. She is concerned about the increase in traffic.

Elizabeth Massey, Highland Street, Hamilton, MA is concerned about the negative impact of the project to the residents. Speed tables are an urban solution for traffic. Waldingfield Road is not urban.

Parsons suggested adding another planning board meeting specifically for Ora, Inc. Anderson said the traffic issues will not be solved this evening and Ora, Inc. needs to respond to questions and concerns raised. Anderson agreed that a meeting specifically for Ora, Inc. would be appropriate. Lowe agreed. Paskavitz requested the public to put comments and concerns in writing and send to the planning department. Paskavitz asked the public to do this soon to give Ora, Inc. time to respond.

Anderson moved to grant the extension of the Ora, Inc. application to March 21, 2022 and Lowe seconded. The motion passed unanimously.

Anderson made a motion to continue the public hearing to February 10, 2022, at meeting using ZOOM beginning at 7:00 PM and Lowe seconded. The motion passed unanimously.

Continued Public Hearing: 50-56 Market Street LLC for a Special Permit for a multifamily residential development (adding 5 townhouses to an existing multifamily

dwelling property) at 50-56 Market Street (Assessor's Map 42A, Lot 202), which is located in the Central Business District, pursuant but not necessarily limited to Sections V.D, VI, VII, IX.I, IX.K, and XI.J of the Zoning Bylaw

Anderson is recused. Paskavitz was appointed as a voting member for the application when the public hearing was opened on October 21, 2021.

Kevin Perelli (owner), Ken Savoie (Savoie Nolan Architects), John Morin (Morin Cameron Group) and Meredith Fine (attorney) were present for the application. Britt noted the applicant submitted a lot of information in the past 24 hours and Board members may not have had the opportunity to review. She requested the applicant present changes.

Savoie met with the fire department and noted the slope of the driveway is steep for fire vehicles to access. There are changes in grading for the driveway and the slope will be reduced from 18% to 15%. DPW was contacted and requested to shift public parking spots on Market Street to allow for a change in access to the site. Parking spots for the units in the existing building will all be tandem spots. One parking space was added to the front of the site which eliminates one parking spot in the southeast corner. The trash receptacle was relocated and the aisle space between the two buildings was increased to the required twenty-two feet.

Lowe requested information be added to the site plan. Lowe is concerned with the garbage truck hitting the overhang on the rear building when picking up trash. Savoie said it is not an issue as the trash receptacles will be wheeled out to the truck.

Savoie said a revised landscaping plan will be submitted and there will be a retaining wall in the front which will help screen the parking spaces. Parsons noted the revised site plan has not been shared with the peer reviewer. Britt asked if there will be an easement with EBSCO for permanent landscaping purposes. Paskavitz asked about waivers. Parsons said there is a waiver request to reduce a setback from 10 ft. to 5 ft. and a waiver to allow tandem parking. Lowe wants DPW to be clear on the work that is needed on and near Market Street. Parsons spoke with DPW about re-stripping the Market Street parking spaces.

Public Comment: Odile Breton, 9 Soffron Lane. For full disclosure, Breton has a part-time job with the Town of Ipswich but has no managerial or decision-making responsibilities. Breton asked if the cross walk on Market Street in front of the site will be changed due to the shifting on public parking spaces. Savoie said no and there was adequate room to shift the parking spaces.

Britt said the site plan changes need to go to the peer reviewer. The Board needs a landscape plan and a lighting plan from the applicant. Britt requested the applicant submit items well before the next meeting so that the Board has adequate time to review the documents. Parsons to contact DPW about the work needed on and near Market Street. Parsons asked the applicant if he was amenable to a February 18, 2022 extension. Perelli said yes.

Mooradd moved to approve an extension for the application to February 18, 2022 and authorize Ethan Parsons to sign the extension on behalf of the Board. Lowe seconded. The motion passed unanimously.

Lowe moved to continue the public hearing to February 17, 2022, at a meeting using ZOOM beginning at 7:00 PM and Mooradd seconded the motion. The motion passed unanimously.

Continued Public Hearing: Request by Jan Lindsay for a Special Permit to convert an accessory structure into a dwelling unit a 5 Old England Road (Assessor's Map 42D Lot 17), which is located in the Rural Residence A District, pursuant but not necessarily limited to Sections V, IX.P, and XI.J of the Zoning Bylaw

The Planning Department received a letter from the applicant requesting to withdraw the application without prejudice.

Lowe moved to accept the withdrawal without prejudice and Mooradd seconded. The motion passed unanimously.

Adopt minutes of December 9, 2021 (joint meeting)

Lowe said 40B should be 40R and affordable housing more than 10%.

Mooradd moved to adopt the minutes of December 9, 2021 as drafted and edited and Weatherall seconded. The motion passed unanimously.

Other Business

Parsons explained the Community Development Plan (CDP) article for the annual Town Meeting. Language in the bylaw will be modified for Town bodies to consider CPD goals for Town decisions. There will be a request for the Board to adopt the CDP and support changes in the bylaw. Parsons noted more discussion is needed before a vote to support the article. Britt said which decisions need to consider the CDP needs to be resolved.

Parsons will put together a list of potential bylaw changes for Spring Town Meeting.

Adjournment

Mooradd made a motion to adjourn and Lowe seconded. The motion passed unanimously.

Meeting adjourned at 10:50 PM

Meeting minutes prepared by: Odile Breton

Accepted on: February 17, 2022