

**ZONING BOARD OF APPEALS
Ipswich, Massachusetts**

**Special Meeting Minutes
January 28, 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 28, 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, and Rob Clocker. Also, Administrative Assistant Marie Rodgers. Justin Planasch was absent with prior notice.

This meeting was recorded.

Announcements: Chair Gambale announced this was a special meeting to hear Essex Pastures 40B, the Petitioner will have 25 minutes for a presentation and public comment will follow, until 10:00 p.m., at which time the Board will determine should the meeting continue to 10:30 p.m. Each speaker will be limited to three minutes. The chat feature is disabled. (Board member Rob Clocker provided a visual to show how to raise your hand to speak.)

Citizen Queries:

Chris Florio, 44 Fellows Road asked if he would have three minutes to comment on what was said at the last meeting and three minutes to respond at this meeting. Chair indicated that he would have three minutes to speak at this meeting.

Keri MacRae 31 Heartbreak Road as if the three minutes time limit could be shared. Chair replied, no passing off time.

Ms. MacRae asked about a four members voting what is the majority. Attorney Carboni replied a simple majority.

Eric Guleksen, 27 Lakemans Lane asked about the ICAM recording. Chair indicated the meeting is recorded to the cloud and will be available for viewing.

Chair recognized Wayne Moses, 27 Town Farm Rd and Jim Bone Ipswich Building Inspector. Mr. Moses said he tried to get on the zoom meeting last week and couldn't get on. Chair spoke to the two year deadline to rebuild after a fire, is coming up and suggested Mr. Moses write a letter requesting an extension of time to rebuild his garage. Mr. Moses acknowledged that 2/12/21 is coming up and will write a letter. Chair Gambale said see you next month 2/28/21. Mr. Bone thanked the Board for reconsidering and listening to Mr. Moses and hearing him next month.

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, and 19, 2020 meetings)

Chairman Gambale read the legal notice and re-opened the public hearing at 7:25 p.m.

Attorney John Smolak, attorney for the Petitioner was present with Joseph Peznola, P.E. Hancock Associates. He asked that response to comments take place next meeting when the whole team was present.

Mr. Peznola reviewed the response presented today to the Fire Chief letter dated 11.24.2021 working with the Mass Department of Fire Safety, submitted today a revised swept path analysis to address fire chief's concerns and widening and opening up.

Mr. Peznola will speak with the Fire Chief concerning the balance of issues when the Chief returns after 2.4.202.

Floor plans were submitted. Club house policy was submitted for the Board's review.

He addressed school bus concerns and spoke to a revised plan date showing parking area with stripped walkway, an opening in a split rail fence and a sign with bus stop here. Children would file from the front porch to the bus. TEC suggested adding an area for kids to stage and bunch up and that will be added. Addressing traffic further the applicant has proposed a solar powered radar sign further up Essex Rd that flashes when vehicles are over the speed limit as a traffic calming measure and assign warning sign school bus stop ahead.

He then spoke to the calculation of open space and spoke to the plan with shades of green showing open space just shy of 50% requirement. #5 on report water main upgrades. #6. Water saving measures go beyond required. No connection to municipal water for irrigation and filling of the pool.

#7 easements #8 3D model will presented at the February meeting.

TEC latest comment letter will be addressed through conditions.

Possibly one of the town houses would be relocated and will address at the February meeting.

Attorney Smolak opined they're in good shape.

Chair Gambale asked for a two tone plan to show buildings and open space. Mr. Peznola indicated it will be provided.

Chair Gambale asked for the eight inch main be extended to Heartbreak Road. Mr. Peznola indicated that Vickie Halmen, Director of Water & Wastewater agreed to extend the water main as needed for the development to supply adequate water for domestic and fire fighting.

Chair introduce a letter into the record from the School Committee dated 1.8.2021 signed by Chub Whitten, Chair.

Chair cited several bus routes that leave the public way to pick up school children.

Mr. Peznola will look into it and indicated that a school bus could navigate thought the site Attorney Smolak added that there are five existing bus stops on Essex Road.

In response to Chair Gambale, Mr. Clocker showed example of 3D images. Mr. Peznola acknowledged they are working on the same outcome.

Chair recognized Bill Craft, 62 East Street member of the Water Sub-Committee who read a letter dated 1.28.2021 on behalf of Jim Engle Chair of the Water Sub-committee.

Chair read a list of letters received from citizen; they are available for viewing at the ZBA office.

Mr. Clocker asked the applicant provided clarity about water saving fixtures, i.e. toilets will be installed.

Mr. Fierro asked about sprinkler systems and steps to ensure safety during construction.

Mr. Peznola spoke to fire safety during construction; prior to vertical construction the water infrastructure will be installed and fire hydrants will be functioning.

Chair opened the meeting to comments from the viewing public.

Linda Alexon, 19 Juniper Street corrected the letter she read dated 1.19.2021 were comments from the Select Board.

Marnie Clippinger, 242 Argilla Road she asked if the Board would invite the fire chief to a meeting to answer concerns.

Chris Florio, 44 Fellows Road quoted comments made by Attorney Smolak at the last meeting and disputed his comments about blaming the select board...he indicated that the Select Board has responded to public outcry and expressed appreciation.

He quoted comments with reference to the water supply and referenced the Water Sub-Committee letter not enough water.

Monique Chateauneuf, 6 Grant Court spoke in objection, citing impact of traffic and lack of affordability. She asked the Board to deny.

Joyce Kippen, 50 Lakeman's Lane spoke to water saver toilets often take two flushes, thereby using more water.

James Mc Carthy, 35 Fellows Road asked the Board to wait before granting any waiver request regarding local wetlands regulation until after our Conservation Commission has an opportunity to evaluate the appropriateness of this waiver and make its determination.

Jane Mosco, 24 Meadowview Lane asked about estimated number of children that will board the busses; and expressed concerns about a proposed traffic light at the end of Rt. 133 and asked who makes the decisions about water usage.

Anne Hezzy, 166 Argilla Road informed the Board to a missing letter, she sent dated 1.11.2021. She cited the National Fire Academy calculation for water flow needed to suppress a fire and stated that the hydrants serving the development can only produce 500 gallons per minute, and she cited calculations by percent for suppression of fire, based on the size of the fire. She asked the Board to resolve this safety issue.

Bill Craft, 62 East Street responded to the question concerning who decides on water, the Select Board are the Water Commissioners. And they have reservations about this project and not in favor of the size and scope.

Attorney Smolak spoke to enrollment data for schools...currently, lowest level with a lose of 458 students over a ten year period.

(his audio was breaking up)

Carol Bousquet, 27 Green Street shared her experience as a project manager for large developments and questioned where the playground is for this development and location for trails connecting to IRWA up the street.

Dan & Julie O'Leary, 23 Pleasant St questioned the impacts on municipal infrastructure and a qualified infrastructure engineer to conduct an assessment.

Bob answered engineers work for the applicant and the town.

Kristina Brendel, 403 Linebrook Road expressed her agreement with previous speakers. She cited an overturned 40B in a SJC decision in the town of Stowe, Mass 2016.

Mary Morrow, 55 East Street asked about the total number of waivers requested and asked about the total number of student projected in the schools.

Attorney Smolak listed 1-bedroom=59; 1-bedroom=112 and 3-bedroom=23 ((his audio was cutting out and breaking up)

JoAnn Buccigrosso, 2 Drumlin Road said there were 54 waivers requested; the traffic report was conducted prior to a snowstorm. She expressed concerns for traffic congestions and numbers of children lining up on Rte. 133 to get on a bus.

Eric Quleksen, 27 Lakeman's Lane stated his agreement with others and requested to see the engineer's report regarding the percentage of water loss through the water pipes, as compared with other towns. He then spoke to foot traffic along Lakeman's lane by people, children, and animals.

Joan Wilkin 10 Bayview Road questioned if adjustment have been considered for housing in times of pandemic, to reduce community spread.

Sheffield Van Buren, 242 Argilla Rd asked the Board to deny waivers on the environment. He asked the board to pause before going forward with this substantial development.

Caitlin Shoreman, 8 Spillers Lane asked the ZBA to reject his project, citing the drain on resources.

Felicia Goodplace, address unknown, mother of four said she would like to live in Ipswich and needs affordable housing.

Chase Delano, 228 Argilla Rd indicated her support for the comments of previous speakers who asked for qualified infrastructure engineer. She asked who the engineers for the project are, what companies they work for and who they represent.

Scott Finlay, 2 Bowdoin Road expressed his opposition, stating this development would bring in over 700 people an increase of 5% in the population of town. He asked about the procedures if the ZBA rejects the application.

Attorney Carboni spoke to the process if the Board denies, the applicant could appeal to the Housing Appeals Committee and process there under. The Board has the right to ask for a reduction in density and/or deny a waiver request, the applicant could protest if renders the project uneconomical and the applicant will have to show project proforma to demonstrate the project uneconomical.

Vickie Hughes, 2 Poplar Street stated her support for previous speaker concerning water issues. She opined that school population has diminished because fewer and fewer middle income families can live in town. She opined that people would support, truly affordable housing at reasonable density.

Keri MacRae 31 Heartbreak Road expressed her agreement with previous speakers and supported the submission of the 3D model. She spoke to #3 on Chris Florio comments, quoting Attorney Smolak blaming the Select Board for an inadequate water supply. This project far exceeds what the town is zoned for....

Ms. MacRae reprimands Attorney Smolak, and quotes him about his warning that other 40B projects are in the pipeline and could be filed; she declared it was a threat.

Ms MacRae went on to request the Board look for a more holistic approach on how this project will impact water/sewer and do an INI.

Judy Ashley, 16 Meadowview Lane stated her support for previous speaker citing density and urged the Board to deny.

Jack Kronenberg, 6 Essex Road expressed concerns for the lack of parking and cited HUD occupancy standards.

Katie Henry, 28 Water Street

Arron Messelaar, 25 Meadowview Lane stated his support for previous speakers.

Sarah & Dan Cullen, 5 Meadowview Lane confirmed that resident letters are available for public viewing. He supported all the previous comments.

Paula Jones, 40 Lakeman's Lane expressed her appreciation for the Chair joining the ICC site visit. And requested the ZBA to hold off on making a decision until the ICC responds to calculate impact on wetlands laws. She was impressed by the assessment of 700 people on eleven acres.

At 9:48 p.m. the Board discussed allowing residents to speak a second time, limited to one minute.

The Board heard from Janet Craft, 62 East Street stating she agreed to all comments previously made, saying it's too big.

Joyce Kippin Lakeman's Lane reiterated the water use of 14 million gallons per year; over 50,000 gallons per day; 80,000 gallons short per day.

Chris Florio, Fellows Road stated his agreement with previous speakers and emphasized support for affordable housing, this development is using the pretense of affordable and place health, safety and environment at risk.

Jane Mosco, Meadowview Lane expressed concerns about traffic, children on the bus and how will water.

Arron Messelaar, 25 Meadowview Lane stated his distress for an additional 5% in population and sustainability of resources.

Dan Cullen, 5 Meadowview Lane expressed his concerns, after two years of review the applicant has not reduced the density of the development.

Leah Robbins, 15 Spiller's Lane questioned who owned the property.

10:00 p.m. Chair halted discussion and thanked members of the Board for their tireless endurance and dedication.

Mr. Fierro expressed his appreciation for all the comments this evening

Mr. Vlahos expressed his appreciation for everyone who spoke and will take their comments into consideration.

Mr. Clocker echoed Mr. Vlahos and expressed his appreciation to help make a better project.

Attorney Smolak began his closing statements to express appreciation for the comments, the Board's time and thoughtful review and remaining independent.... review...he suggested....(sound not audible.)

Attorney Smolak requested an additional meeting to the 18th of February – Chair polled the Board for a second meeting; no action was taken...the meeting of February 18th was discussed, along with waivers and conditions for review.

Chair thanked Attorney Carboni for her assistance.

MOTION: Mr. Fierro moved to continue to the 2.28.2021 meeting at 7:30 p.m. via Zoom. Mr. Vlahos seconded, the motion passed with a roll call vote.

MOTION: It was moved, seconded and voted unanimously to adjourn at 10:15 p.m.

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; Anne Hezzy, Argilla Rd; 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

Respectfully submitted, Marie Rodgers 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.