

IPSWICH PLANNING BOARD

MEETING MINUTES

Meeting remotely using ZOOM

Thursday, February 17, 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, February 17, 2022, 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 7:01 PM with a quorum present.

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

Britt said she spoke with the Town Manager and Town Counsel about a potential ethics issue brought up by Joni Soffron at the previous meeting. Britt read from an email from Town Counsel, George Hall, to Town Manager, Tony Marino, about the subject and noted Mr. Hall did not believe there was an ethics violation.

Citizen Queries: Joni Soffron, 18 Agawam Ave., asked if any Board members completed conflict of interest forms. Britt said the subject should be discussed with the Town Manager.

Discuss and potentially endorse CDP-related warrant article for 2022 Annual Town Meeting

Grubbs reviewed the proposed article. She noted the CDP Steering Committee recommended the revised 15-year plan and is looking for the Board to endorse.

Weatherall said the CDP is an important document. Lowe is supportive of the CDP and would like it to move forward to the Select Board to put on the warrant. Edits were suggested (“then current” – remove then). Parsons suggested the Board adopt the CDP and noted it is very close to a master plan for the Town.

Mooradd moved to refer the article to the Select Board for 2022 Annual Town Meeting warrant. Lowe seconded. The motion passed unanimously.

Discuss whether or not to initiate zoning amendment warrant articles for 2022 Annual Town Meeting

Grubbs reviewed the purpose of proposed articles and explained how the working group developed the articles. Paskavitz added that community concerns were considered. Mooradd reviewed two articles. Mooradd noted one article fosters smaller housing that fits into neighborhood characteristics. Britt questioned the definition of “lot area”. She noted there are building restrictions in all zoning districts. Parsons expressed concerns with changes to the “minimum lot area”. Lowe questioned if the proposed changes are only applicable to residential buildings. Lowe is concerned about the timing of the proposed changes and would like more time to study the articles. He suggested that Fall Town Meeting may be more appropriate to propose changes. Parsons is concerned about unintended consequences and noted articles are due to the Town Manager tomorrow. Mooradd said the proposed changes are not urgent. Weatherall suggested a dialogue about a proposed moratorium.

Public Comment: Torii Bottomley brought up the issue of short-term rentals preventing long-term housing. She suggested the Board look into short-term rentals.

Lowe moved to table considering the proposed articles presented this evening to after Annual Town Meeting. Weatherall seconded. The motion passed with 4 votes yes (two votes no – Mooradd, Paskavitz).

Review and consider vote to approve Linebrook Road OSPZ trail easement

Jeff Anderson is recused. Brad Latham, attorney for Symes Development was present. Parsons explained that Symes Development is granting an easement for public access to the recreational trail. An O & M Plan is provided for the trail. Maintenance is the Homeowner’s Association responsibility. Rick Clark, Ipswich DPW Director, approved the final layout of the trail. The Board is being asked to recommend the Select Board accept the grant of the trail easement. Parsons said the Select Board will consider the trail easement on March 7, 2022. Weatherall asked if horseback riding on the trail is included. Parsons said that it is.

Public Comment: Ralph Williams, 9 Nags Head Road, member of Ipswich Open Space Committee, asked why the location of the trail was determined the best location. Parsons said the decision was made years ago. Lowe added that other Town boards, commissions, and departments reviewed the layout.

Lowe noted that the trail is 8 ft. wide, and the easement should be 10 ft. wide. Parsons requested the Board grant him authority to work out issues in the document.

Lowe moved to allow Planning Department Staff to make minor modifications on behalf of the Planning Board to the trail easement. Paskavitz seconded. The motion passed unanimously.

Parsons suggested the Board take a second vote to approve the master deed as containing the Planning Board imposed special permit conditions.

Lowe moved to accept the master deed language as presented by the applicant. Mooradd seconded. The motion passed unanimously.

New Public Hearing: Request by New England Biolabs Inc. for a Special Permit pursuant to Sections IX.N and XI.J of the Zoning Bylaw for uses involving hazardous and toxic materials associated with the uses and activities in the main laboratory building and the expansion currently under construction at the New England Biolabs, Inc. property at 240 County Road (Assessor's Map 63, Lot 7), located in the Rural Residence A District (an on NEB's GEPR lot)

Jeff Anderson and Helen Weatherall are recused. Britt appointed Laurie Paskavitz as a voting member. Patrick Norton (New England Biolabs), Don Greenough, attorney for New England Biolabs (NEB), and Barry Cohen (NEB) were present for the application. Lowe disclosed no conflict of interest or he is biased in any way as Lowe disclosed to the Town Manager that Don Greenough has done work for him in the past.

Greenough reviewed the application and noted the existing building is under a Special Permit issued in 2001, which included four paragraphs related to use in the bylaw. In 2008, the Town adopted a more comprehensive Special Permit process relating to hazardous materials. Greenough said it does not make sense for one building to operate under 2001 bylaws and the new building to operate under current bylaws.

Cohen is the Senior Manager for Environmental Health and Safety for NEB. Cohen is also on the NEB Public Safety Oversight Committee. Cohen reviewed the first special permit and noted that having two different special permits would make it difficult for future operations. Cohen said bylaws have been updated since the issuance of the first Special Permit and would like both special permits to follow the current bylaws. Cohen described operations and noted NEB has a State license for radioactive materials. The use of hazardous materials will not increase when new facility opens. Cohen explained the State establishes levels of what can be emitted into the air. NEB is required to maintain extensive records, which are made available to the State for inspection. Cohen noted NEB has a very good safety record. Greenough noted that several waivers were requested as the bylaw's intent is for new uses. The application is for an existing use.

Britt requested statements from the Health Department relative to its role with NEB and requested Cohen provide reports related to the information discussed this evening. Cohen noted that the Ipswich Fire Department can also provide information on site safety. Paskavitz is on the NEB Public Safety Oversight Committee which convened its first meeting on January 13. Paskavitz stated there are 3 key potential hazards to consider: chemical, biological, and radiological biohazard. She asked if the permit covers all three biohazard materials. Cohen said all three as they are all hazardous and toxic. Paskavitz asked Cohen to explain the changes between the permits and what in the permit is making operations difficult.

Greenough provided background on the previous Special Permit. The 2001 Special Permit has very specific limits for a facility regardless of the size of the facility. When changes were made to the Special Permit process in 2008, oversight was shifted to the Fire Department and Board of Health from the Planning Board. Greenough noted that no hazmat event has ever occurred at NEB. Cohen said no hazardous materials goes in a landfill.

Public Comment:

Torii Bottomley said this application and discussion should have occurred when the applicant applied for the special permit for the new building. She suggested Cohen has a conflict of interest being employed by NEB and being on the NEB Public Safety Oversight Committee.

Helen Weatherall, commenting as a citizen, asked if there is any incineration activity on-site. Cohen said it is done off site.

Next steps to seek third party review.

Paskavitz moved to continue the public hearing to March 10, 2022 at Town Hall in Room A at a meeting beginning at 7:00 PM. Lowe 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 and John Morin (Morin Cameron Group) were present. Britt noted the APDC approved the design of the accessory building. Mooradd asked about the interior floor plan. VonOehsen presented a draft of the interior floor plan noting it will be a 1-bedroom, 1-bathroom dwelling. Lowe requested floor plans and an updated volume calculation be included. Paskavitz asked about the driveway blind spots. Helen VonOehsen reviewed existing conditions and noted a vehicle must back out onto Turkey Shore Road. The proposed driveway design is safer and the APDC provided input to the proposed driveway.

Britt suggested Parsons could draft a decision for the next meeting.

Public Comment: Katie Peron asked about demolition and new construction and if the homeowner has proved it is a conversion. She noted the accessory dwelling unit can be sold as a condominium and asked if the Board can restrict such a sale in the future. She is also concerned with the construction phase. There are no sidewalks and the street is narrow. She asked if the

Board can condition that all construction vehicles remain on site. She is concerned about the road being blocked by construction vehicles.

Grubbs said the safety conditions can be added to the decision. DPW is reviewing curb cuts.

Lowe moved to continue the public hearing to March 10, 2022 at Town Hall in Room A at a meeting beginning at 7:00 PM. Mooradd 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. Britt appointed Paskavitz 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 responses dated February 1, 2022 from John Morin to the peer reviewer. Parsons spoke with Bob Puff (peer reviewer) and provided an update on Bob's comments. Bob Puff noted concerns with snow storage and tandem parking in the front of the site. He noted the maneuvering aisle width is a concern as there is no buffer (such as a curb) to the building. He also raised concerns about grading and drainage behind the new building. He raised a concern about the proximity (within 10 ft. of foundation) of a stormwater recharge chamber to the existing building. He commented that the issues he raised had not been addressed.

Savoie said some peer review comments with tandem parking and maneuvering in the aisle are subjective and not based on any engineering data. Savoie asked if Bob Puff is satisfied with general engineering requirements of the project. Parsons said Bob Puff is issuing a recommendation to the Board based on what the Board requested. Bob is basing his recommendation on best engineering practices, the Town's Zoning Bylaw, and State and local stormwater regulations. Savoie said Bob Puff is not stating whether his recommendation is based on personal opinion or sound engineering principles. Savoie said it appears that he is trying to find issues instead of advising the Board about whether or not the base plan meets the requirements and standards of the Town. Britt asked if Bob Puff thinks all issues noted can be accommodated given the current pattern of development of the site. Parsons said there is no way to avoid the current layout without tandem parking.

Perelli noted the site layout is to preserve the green space in front of the existing building. It was very important to him and the DRB to maintain that green space. Lowe said market conditions will determine if this is a viable site. Lowe said issues with stormwater management need to be addressed as it is not subjective. Britt said the Board's big-picture responsibility in reviewing the application is to learn what benefit it has to the Town. Britt said the stormwater management issues must be addressed. Weatherall is concerned with Lowe's comment that it is up to the

buyers. She said the Board needs to be thinking about the community at large and she hesitates to leave the decision to potential buyers. She would like to avoid creating a problem and then having others address it.

Parsons mentioned the DRB issued a favorable recommendation this past Monday night. It recommended that the Board allow the applicant to install some treatment by the driveway to serve as a path to Market Street. The DRB thought the treatment would help lessen the appearance of a wide asphalt driveway. The DRB was supportive of the landscape plan.

Mooradd said the Board would be prudent to wait to hear from Bob Puff again. She said stormwater management is long-term and should be resolved.

Attorney Fine said her client is concerned about carrying costs and she suggested a special meeting for this application.

Britt is not comfortable voting or asking the Board to vote on this application without Bob Puff's final comments and recommendations. Paskavitz noted that the Board relies on third-party expertise and would not like to set a precedent by allowing a special meeting.

Britt said that she thinks that since she has been on the Board the Board has reduced the density of units on all special permit applications. It has been suggested to the applicant to reduce the number of units but then applicant has not done so. She suspects the application has taken as long as it has because the applicant has refused to reduce the number and density of the units to make the site work better. Britt does not intend to call a vote for the project until Bob Puff is satisfied with the engineering of this site.

Perelli said he is unclear about what Board member comments mean. Britt said building up to the maximum is not always a good idea. Paskavitz said the massing of the building makes the site tight.

Savoie said he is disappointed with Britt's attitude. He said reducing the units is not based on sound planning principals. He said circulation issues are resolved. Savoie suggested the peer reviewer should be at meetings to respond. He said Board members need to understand their roles and to be objective and base decisions on regulations. Britt said the term density was used as it has created some engineering problems identified by the peer reviewer. She said it is a good suggestion to have the peer reviewer attend meetings. Britt is not comfortable voting on the project without the peer reviewer's final comments.

Public Comment: Bob Weatherall, member of the DRB, discussed the 20 ft. width of driveway. He noted the DRB said the design was better when 16 ft. was paved, and the additional 4 ft. was an alternative material. He said the Board has the ability to call on professional resources necessary to make a wise decision on an application. The Board always has the discretion to use subjectivity in its decisions. If the Board deems a project is incompatible with the neighborhood, it can turn down a project or ask that it be adjusted. He disagreed with Savoie and said it is not purely an objective decision on special permit applications.

Weatherall said the DRB recommends that 16 ft. width be paved and 4 ft. with an alternative paving material. Paskavitz said the 4ft. can serve as a walkway and needs to have ability to handle fire equipment.

Lowe said Board and applicant are waiting a final letter from Bob Puff and the applicant may need time to respond to comments. Lowe would like comments and responses well before the next Board meeting to have time to review them. Lowe is concerned about differences between the applicant and Board members on the layout of the site and questioned if the differences will be resolved.

Paskavitz moved to continue the public hearing to March 10, 2022 at Town Hall in Room A at a meeting beginning at 7:00 PM. Mooradd seconded. The motion passed unanimously.

Continued Public Hearing: 5 & 11 Washington St. Request by Triple Q LLC for a Special Permit and Site Plan Review for a 16-unit multifamily residential development at 5 and 11 Washington Street (Assessor's Map 41B Lots 274 and 275), which is located in the General Business District, pursuant but not necessarily limited to Sections V.D, VI, VII, IX.I, IX.K and X of the Zoning Bylaw and associated regulations

Jeff Anderson is recused. Britt appointed Laurie Paskavitz as a voting member for this application on September 9, 2021.

John Colantoni, John Duggar (architect), James Emmanuel (landscape architect), Thad Barry (engineer) and Jim Juliano (attorney) were present.

Britt said a revised site plan was submitted in January. Britt discussed the waiver requested for a rear setback (from 20ft. to 10ft.). The project was redesigned assuming the rear lot line waiver. Colantoni said the DRB suggested moving the buildings back as only train tracks are to the rear of the building. Colantoni said the setback waiver provides more green space and it is the only waiver requested. Lowe said the reduced setback was presented at the last public hearing for this application and the applicant is aware that the Board would need to approve the waiver. Britt noted the public hearing was on January 6, 2022, and the plans were revised on January 12, 2022. Mooradd reviewed the latest plan. Mooradd said it seems that at the public hearing Colantoni will present something new or something that has changed and not reflected on the plan submitted to the Board. She said it is difficult to provide specific and constructive feedback on something the Board is seeing for the first time. Weatherall agreed with Mooradd and noted late changes and revisions are not unique to this application. The point is that the Board is not prepared to respond to information received late. Lowe noted items for this application were submitted a week ago. Juliano noted that changes are made based on recommendations of the DRB and the timing of meetings are close.

Britt explained the DRB is an advisory board. The applicant should ask the Planning Board what it thinks of suggestions made by the DRB and not change plans before asking the Planning Board. Colantoni said he was trying to be efficient by inserting DRB suggestions.

Peer review process has begun. Colantoni displayed the site plan. Mooradd noted that at a previous meeting she said it was premature to discuss colors and exterior materials. Mooradd said no to the rear setback waiver. The buildings are too close to the railroad tracks and it is not good for the quality of life of future residents.

Parsons noted that setbacks are for safety and for residents to enjoy their properties.

Anderson is not voting on this application but made a comment related to the setback. Anderson said it is not the Board's job to look out for a buyer's interests but to look out for the Town's interests. Britt noted that a January 3, 2022 memo is the first time the waiver was brought up, but it was not included in the zoning summary.

Mooradd clarified that the rear setback waiver request is one piece of the overall feedback to the applicant. Mooradd said the buildings are too large for the neighborhood. Mooradd noted the condominiums across the street do not exceed 1,850 sq. ft. of living space. Mooradd requested smaller units or fewer units to be in line with the neighborhood.

Britt said the rear setback waiver request will be discussed at the next meeting as it is critical to the layout design.

Paskavitz moved to continue the public hearing to March 10, 2022 at Town Hall in Room A at a meeting beginning at 7:00 PM. Mooradd seconded. The motion passed unanimously.

Continued Public Hearing: Request by 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 Nysten, attorney representing Ora, Inc., John Harden, architect (Olson Lewis), Jennifer Williams, Project Manager for Ora, Inc., and Charlie Wear, engineer (Hancock Associates) were present for the applicant.

Britt noted items needed from the applicant for the application to move forward: engineered plans, stormwater management plan, utilities plan and fiscal impact analysis. Anderson noted the applicant has not been provided an opportunity to provide engineered plans. The PB can not move forward without engineered plans. There will be no approval for Phase 2 and 3 without engineered plans. Lowe wants clarity on Phases 1A and 1B. He noted there are limitations to building on the site and Phases 2 and 3 are in the future. The PB can add conditions for future

development. Britt noted the Open Space Committee will review the revised Open Space Plan on February 28, 2022. Weatherall would like to revisit gross floor area.

Public Comment: Bryan Townsend, said the Town assessor had no ability to visit the buildings. Anderson responded that the Town assessor based calculations on Town records.

Nylen made statements related to a public comment made at the prior public hearing. Nylen said there was an allegation made by Chris Florio. Nylen said no threats were made to this person.

Nylen said the bylaws allow phases of development. Site plans for Phases 1A and 1B were provided. Ora, Inc. is scheduled to present design on Phases 2 and 3 to the DRB on March 7, 2022. Harden reviewed anticipated timeline for phases. Harden said the mansion needs work but can be used during the first year. The loop trail will be one of the first items to do. The mansion renovation will take a year (to bring the building to current building code requirements). Phase 1B will take a year and is anticipated to occur in the 3rd and 4th year.

Anderson noted a listing of outstanding items will be provided to the applicant.

Mooradd moved to continue the public hearing to March 10, 2022 at Town Hall in Room A at a meeting beginning at 7:00 PM. Anderson seconded. The motion passed unanimously.

Adopt minutes of January 6, 12, and 27, 2022

Britt did not review the minutes and will abstain from voting. Lowe requested an edit for January 6, 2022. He said on the 48 Turkey Shore Road application that the name of the engineer was misspelled.

Lowe moved to adopt the minutes of January 6, 12 and 27, 2022 as drafted and edited and Mooradd seconded. The motion passed with 4 votes (Britt abstained).

Adjournment

Anderson moved to adjourn and Lowe seconded. The motion passed unanimously.

Meeting adjourned at 10:55 PM

Meeting notes taken by: Odile Breton

Adopted on: March 31, 2022