

IPSWICH PLANNING BOARD

MEETING MINUTES

Town Hall, Room C, 25 Green Street, Ipswich, MA
Thursday, February 27, 2020
7:00 PM

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, February 27, 2020 in Room C at Town Hall. Board members Keith Anderson, Carolyn Britt, Paul Nordberg, Mitchell Lowe and Helen Weatherall were present. Kevin Westerhoff was absent. Staff, Ethan Parsons, was also present.

Anderson convened the meeting at 7:04 PM with a quorum present.

Citizen Queries: None noted

Application by James C. Uzdarwin for Approval Not Required Plan endorsement for division of land at 35 Mineral Street and 48 High Street

Parsons stated that 861 square feet is being conveyed to a neighbor on Mineral Street. Anderson stated that subdivision rules do not apply.

Nordberg moved to endorse the Approval not Required Plan as requested and Lowe seconded. The motion passed unanimously.

Documents: Plan of Land for 35 Mineral Street & 48 High Street, prepared 1/22/2020 by Donohoe Survey

Request by H.L. Graham Associates, Inc. for minor modification to approved Site Plan Review and Special Permit project at 31 Turnpike Road

Graham provided history on property and the special permits issued for the two marijuana dispensaries that are no longer seeking to operate on the property. He said there are new owners of the property and they want to use the property as a marble and granite business. Graham presented an overview of the 25 by 40 foot addition to the existing building and associated site work. He stated traffic for this operation will be substantially less than what a marijuana dispensary would have generated. Graham stated there are 19 parking spaces and noted seven are dedicated for customers. He stated the previous drainage plan was approved and had been updated for additional capacity. There is no change to the driveway.

Britt asked about changes to impervious surfaces. Graham pointed out where there will be some changes to the impervious surfaces.

Anderson explained that the special permit was needed previously because of the intended use for the site: a medical marijuana dispensary. Parsons stated the former approvals were abandoned because they were never acted on and a new owner is seeking a new use that is allowed by right. Anderson agreed no action by the Board is needed because it is a by right use. The Board agreed

and thanked Graham and the applicant for seeking the Board's input on their plan considering the Board's recent review of the site.

Documents:

- *Request by HL Graham Associates Inc. for modification of previous decision for 31 Turnpike Road, dated 2/14/20*
- *Site Plan set, prepared by HL Graham Associates, 2/24/20 (5 sheets)*
- *Proposed Aerial View of building, prepared 2/20/2020 by Savoie Nolan Architects*

Continued Public Hearing: Request by New England Biolabs, Inc for Site Plan Review and Special Permit modification to construct a new laboratory building of approximately 100,000 sq. ft., construction of a small utility, the construction of 97 underground parking spaces and 27 surface parking spaces, and the relocation of existing roadways on the property at 240 County Road

Anderson stated Westerhoff and Weatherall are recused as voting members. Anderson acknowledged receiving letters and emails from Ipswich residents regarding this application. One letter writer suggested Anderson has a conflict of interest because he is employed by another biotech company that was founded by the son of the founder of New England Biolabs. Anderson stated that he has no conflict of interest and he has reviewed the matter with the Town Manager and Town Counsel. Anderson read a letter dated February 20, 2020 received from Jim McCarthy, 35 Fellows Road. Britt read a letter from Rick Richter, 38 Fellows Road. McCarthy and Richter expressed concerns about the environment, additional water use, odors and Anderson's alleged conflict of interest. Lowe read a letter from Marion Swan, 124 County Road, in which Swan commented on a February 19, 2020 newspaper article about alleged odors from New England Biolabs. She stated she has never smelled any strange odors or industrial exhaust.

Attorney Don Greenough, Pat Norton, New England Biolabs Engineering and Facilities, and Charlie Wear, project engineer, presented for the applicant. Wear discussed the peer review process and said he made revisions and submitted them today. He said the temporary road construction is subject to MA DEP stormwater management standards. Britt pointed out she wants a guarantee that the temporary road will be removed after construction and suggested a condition be added to the special permit decision to include the removal of the temporary road and restoration of current conditions. Anderson said he wanted to ensure there will continue to be safe access for public safety vehicles.

Art Cunningham of Capaccio Environmental Engineering, Inc. presented about the onsite solar aquatic wastewater treatment system. He explained how the system works and described it as a greenhouse. He stated chemicals are not used to disinfect. He explained the water that is recharged is wastewater from toilets. It is not water from the laboratory processes. He said the system was designed for 27,000 gallons per day and that will remain adequate. Anderson asked if the system has a backup emergency power system. Cunningham said tanks under the building can hold a weeks' worth of waste water. Cunningham stated air quality is regulated at the State level and New England Biolabs meets all State requirements. Cunningham discussed odor from

the greenhouse and described it as musty. He said that is expected since the greenhouse has plants and is humid.

Barry Cohen, Environmental Manager for New England Biolabs, said the monitoring wells are checked quarterly and results are submitted to MA DEP and the Ipswich Board of Health.

Jacob Knowles, Director of Sustainable Design at BR+A Consulting Engineers, discussed how the project will utilize sustainable building features. He said the design of the new building addresses uses of energy, carbon, water, materials and health and wellness. The design minimizes light pollution and increases infiltration for water. Lowe asked what percentage of the roof will be green and if a decision was made to use the roof for equipment. Norton responded that there are different sections of the roof. The connecting section is 13,000 square feet of roof garden. There is 6,000 square feet of roof for the penthouse, which will not be planted. Norton said the only equipment in the utility building will be back up generators.

Britt asked if it was better to make the roof green space instead of using it for solar. Knowles stated that it is more efficient and cost effective to have solar on the ground than on the roof.

Wear presented onsite parking and lighting. The size of the upper parking lot was reduced and will accommodate 61 parking spaces. The parking lot was revised to provide 12 feet of space from the historic brick wall. Lighting is dark sky compliant and the lights are timed to be off by 8:30 PM.

Public Comment:

Jim McCarthy, 35 Fellows Road, informed the Board that the initial decision includes a Public Oversight Committee condition. He said the Oversight Committee has not met in over 12 years and it is the Town's responsibility to ensure oversight. He suggested bringing the Committee back. Anderson stated that if it was a requirement of the original decision, then the Committee should be revived. He said the Board needs to understand the purpose of the Committee and how the Board would work with it.

McCarthy said another condition is a 35% floor area limit for biotechnological processing.

Greenough responded that at a Town Meeting around 2008 there was a vote to amend the bylaw to a 50% area limit and the addition to the floor area for biotechnological processing will still be under the 50% limit.

McCarthy inquired if there will be any changes in handling hazardous materials from the site. Greenough stated the Town has changed its material hazardous materials bylaw since 2000. New England Biolabs has a special permit regarding the materials that are used on-site. Once a decision is made on this application, New England Biolabs will apply for a new hazardous materials special permit for the site. It will not be a modification of the existing special permit so there will be a public hearing on that future application.

Chris Florio, 44 Fellows Road, inquired about the use of access roads during the construction period and said he wants to be sure that New England Biolabs will continue to comply with earlier agreements. Anderson stated that all the construction vehicles should be coming from

County Road to access the site and use the existing on-site road. He supports re-instating the Oversight Committee. He also confirmed smelling strange odors from the New England Biolabs site that he could not identify. He said the smell is very strong and occurs in the mornings or late in the evening.

Helen Weatherall, 44 Fellows Road, asked how much of a role the plants play in processing waste water. Cohen responded that there are two different sections of plants. Oxygen is fed into tanks to enhance the growth of bacteria. The root systems of the plants decompose the bacteria and it becomes part of the nitrates/nitrogen system. It is similar with the trees in the marsh. The root systems act on the water. Cohen stated the water discharged out of the treatment plant has to meet drinking water quality standards. Weatherall commented on the recent issues the system has had. Cunningham responded that it is a biological system that requires attention. There are trained operators and the system is well designed. Weatherall questioned the health of the retention pond. Wear stated the pond is man-made and the conditions of the pond vary year to year.

Anderson requested the applicant be prepared to discuss the peer reviewer responses to the adjusted plans at the next meeting. Anderson said he expects to receive comments on the application from all remaining Town departments.

Parsons said he will send all previous decisions to the Board. Parsons suggested he could draft a decision for Board review for the next meeting. Nordberg encouraged the public to send comments and questions to the Planning Department and the Board will respond at the next meeting.

Lowe moved to continue the public hearing to March 12, 2020 at Town Hall in Room C and Nordberg seconded. The motion passed unanimously.

Documents:

- *Email from Rick Richter, 2/24/20; Email from Jim McCarthy, 2/20/20; Email from Marion Swan, 2/20/20*
- *Letter from Don Greenough to Planning Board, 2/24/20*
- *Review Memo from Bob Puff, Task 1, dated 2/6/20*
- *Letter from Patrick Norton to Planning Board, 2/27/20*
- *Stormwater Management Report and Site Plans, revised 2/26/20, prepared by Meridian Associates*

Continued Public Hearing: Request by Symes Development & Permitting LLC for Special Permit and Definitive Subdivision approval for a 35-unit Open Space Preservation Zoning (OSPZ) Development at 173 Linebrook Road (Assessor's Map 29D, Lot 21), located in the RRA District, pursuant to Sections V, XI.A and XI.J of the Zoning Bylaw and the Rules and Regulations Governing the Subdivision of Land in Ipswich

Anderson the applicant requested an extension to March 19, 2020. The Board voted to agree to the extension.

Nordberg moved to continue the public hearing without discussion to March 12, 2020 at Town Hall in Room C at 7:00 PM and Lowe seconded. The motion passed unanimously.

Continued Public Hearing: Potential Zoning Amendments for 2020 Annual Town Meeting pertaining to Adult Use Marijuana Establishments, Registered Marijuana Dispensaries, and a clarification amendment for the Dimensional and Density regulations

Parsons said there are no updates to the proposed amendments. He stated the Town Manager is drafting the warrant. There are no proposed changes. Anderson noted there are no public comments on this matter this evening.

Parsons stated the Select Board will hold a public hearing on March 2, 2020 and Parsons will present. The Finance Committee will hold a public hearing on March 17, 2020 for the warrant. Parsons recommended that the PB vote to support the proposed articles before the Select Board hearing. Parsons will have a draft report for Town Meeting for the April 2, 2020 PB meeting.

Anderson said there is hesitation to vote tonight because Kevin Westerhoff is absent. There is also a possibility that the Select Board and Finance Committee will propose changes. Lowe said there were some wording questions that need to be worked out.

Britt moved to continue the public hearing to March 12, 2020 at Town Hall in Room C. Lowe seconded. The motion passed unanimously.

Adopt minutes of 1/23/2020 meeting.

Lowe moved to adopt the minutes of the January 23, 2020 meeting and Britt seconded. The motion passed unanimously.

Documents: Draft minutes of January 23, 2020 meeting

Other Business

- a. Parsons said there will be a forum on the housing production plan on March 23, 2020.
- b. Parsons said there is a Citizen Planning workshop on March 21, 2020 in Worcester, which is continuing education for citizen planners.
- c. There will be a Board business meeting on March 2, 2020 at 6:00 PM in the Planning Department Conference Room at Town Hall. Anderson said the Board does not have a vice-chair and should consider having one.

New Business: None noted

Adjournment:

Lowe moved to adjourn. Nordberg seconded. The motion passed unanimously. Meeting adjourned at 9:36 PM.

Meeting minutes prepared by: Odile Breton

Adopted on: April 2, 2020