

IPSWICH PLANNING BOARD

MEETING MINUTES
Remote Meeting using ZOOM
Thursday, March 11, 2021
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, March 11, 2021 using ZOOM. Board members Keith Anderson, Mitchell Lowe, Jeffrey Anderson, Kevin Westerhoff, Carolyn Britt and Helen Weatherall were present. Staff Ethan Parsons and Kristen Grubbs were present.

K. Anderson convened the meeting at 7:05 PM with a quorum present.

K. Anderson requested an acknowledgement of attendance for all members present. He noted the Board members that were present as well as Town staff Ethan Parsons, Kristen Grubbs and minute taker Odile Breton.

K. Anderson announced the continued hearing for MMC Reality Holdings LLC will not be discussed this evening at the request of the applicant.

Citizen Queries: None noted.

Request by Miranda Updike for Approval Not Required Plan Endorsement for 66 Labor in Vain Road

Chris Thornton, an attorney representing Miranda Updike, was present. He stated a previous ANR was approved in December 2020 for a new 0.82 acre property and the request is to revise the lot to increase it to 1.0 acre. K. Anderson said subdivision rules do not apply. The revised plan was displayed for the Board to review. Parsons identified the area that will be added to Lot 2A. Lot 2B will have approximately 4.75 acres and Lot 2A will have 1.0 acre.

Lowe asked if frontage and public access requirements are met. Parsons said yes.

Lowe moved to approve the Approval Not Required Plan as submitted for 66 Labor in Vain Road. Westerhoff seconded. The motion passed unanimously.

Documents: Plan of Land 66 Labor in Vain Road, prepared 3/1/2021 by Donohoe Survey

Public Hearing on proposed zoning articles for 2021 Annual Town Meeting

K. Anderson opened the public hearing by reading the legal public notice.

Article 1: Amend Section VI. Dimensional and Density Regulations, Footnote 11 to remove the references to actual payment-in-lieu fees and replace with a reference to the Planning Board Payment-in-Lieu-of-Option Regulations; to amend Section IX.I Inclusionary Housing Requirements by establishing that 15% affordability is required for multi-family projects, to remove references to actual payment-in-lieu fees and replace with a reference to the Planning Board Payment-in-Lieu-of-Option Regulations,

and to reformat subparagraphs 3.a.i and 3.a.ii for clarity; and to amend comparability requirements for affordable units.

Parsons provided history on the development of the article. A group that includes Parsons, Britt, J. Anderson, Kristen Grubbs, Glenn Gibbs (former Planning Director) and two members of the Affordable Housing Partnership, Charlie Allen and Jim Warner, met to discuss amending the bylaw. He stated the article increases the requirement to provide affordable housing. The article also ties the Affordable Housing Trust fees to the cost of developing an affordable housing unit. The article closes a loophole in Footnote 11 related to non-affordable units. Language is added for affordable units to be indistinguishable from market rate units. The cost of operating an affordable unit is similar to the cost of operating a market rate unit.

K. Anderson said the amendment changes the requirement of 10% to 15% affordable housing units. The group also came up with a formula for the payment-in-lieu. The amendments were presented for the audience to view. K. Anderson said the Inclusionary Housing PIL Regulations must be updated to align with the amendments. Parsons said the goal is to present updated regulations at the April 1, 2021 meeting.

Public Comment:

Odile Breton, 9 Soffron Lane, asked how 15% was developed. She wanted to know if other communities have 15% requirement and is it working? Are there any concerns that developers will create six or fewer units in order to avoid providing an affordable unit?

K. Anderson said the fee structure for six unit and under projects will hopefully incentivize developers as it will not be more costly to build an affordable unit. The fee will be substantially higher than building an affordable unit. Breton pointed out that the fee is a one-time payment and it may not be cost effective for an owner over time to have an affordable rental unit. J. Anderson explained the fees will change with market conditions. He said the Board would also have the ability to react to market conditions where the current fee structure is very rigid.

J. Anderson replied that the communities reviewed in Massachusetts had a range of 5% to 25% requirement for affordable housing. He said most communities had 10% to 15%. Parsons said there are communities that do not have inclusionary housing requirements. Parsons added that inclusionary housing requirements will not achieve 10% affordable housing for the Town. Ipswich needs 29 units built per year for the subsidized housing inventory to be in accordance with the Housing Production Plan.

Mike Becker said if the Town does not increase the affordability requirement the Town will never get to its goal. He noted that not all developments go through the special permit process and do not have an inclusionary housing requirement. He said the increase to 15% in the current market will not stop development. He said the bylaw can be adjusted in the future if the market changes.

Article 2: Amend Section IX.H. Great Estate Preservation Development to allow for consideration of historic Great Estate land configuration in determining Great Estate lots, to lower the minimum floor area of buildings on Great Estates from 40,000 sq. ft. to 30,000 sq. ft., and to establish a minimum floor area of 12,500 sq. ft. for Great Estate mansions.

Parsons explained the article was brought to his attention by a company wanting to purchase and locate to 55 Waldingfield Road. At a point in time, the property was a Great Estate. It does not meet the Great Estate requirements under the current bylaws. The proposed changes would allow 55 Waldingfield Road to meet Great Estate eligibility requirements. Parsons explained how floor area buildout is determined.

K. Anderson is concerned about using land that has already been conveyed and no longer owned by an applicant to determine square footage for a new building.

Don Greenough, attorney for Ora, Inc. provided history and purpose of the Great Estate bylaw. He stated the Town preference is to preserve the estates and not have subdivisions. He noted concerns about calculations that include the original area of the lot. Greenough introduced John Harden from Olsen Lewis Architects. Harden displayed a diagram to describe the history of the property. He said in 1972 Julia Bird (owner since 1925) began donating land to Essex County Greenbelt for conservation purposes. The current lot is approximately 39.9 acres and the setbacks reduce the buildable lot to approximately 16.95 acres. Harden highlighted the area of the lot that is buildable.

Lowe, Westerhoff and Weatherall agreed with K. Anderson's concerns about including conveyed land in the calculation. K. Anderson said the wording needs to be worked on before the next meeting.

Public Comment:

Nathaniel Pulsifer, 11 Waldingfield Road, said it is not appropriate to include land that is already conserved in the calculation for building. He questioned the historical information that was presented and offered information about the estate.

Article 3: Amend Section X. Site Plan Review to insert a new standard for water demand minimization; and amend Section XI.J. Special Permits to insert a new criterion pertaining to minimizing water demand.

Parsons stated the article is an effort to adopt a bylaw for water conservation and mitigation. There are two changes: one to the special permit criteria and one to the site plan review standards. There is added language for permitting boards (Planning Board and Zoning Board), and a reference to the WUMP and Water Commission.

Article 4: Amend Section I. Purpose by inserting language pertaining to energy conservation and utilization of renewable energy sources; amend Section VI. Dimensional and Density Regulations to allow heat pumps and advanced insulated walls to encroach within required side and rear setbacks.

The purpose is to reduce use of fossil fuels and actively adopt renewable energy sources. K. Anderson said the Select Board had concerns on noise levels from heat pumps and whether ten feet away from an abutter's window is adequate. Britt said the noise level is similar to an exterior air conditioning unit.

Lowe is concerned by the language "heat pump" and asked if it needs to be defined. He said there are other ways a heat pump can be used. He said it should be defined as an air source heat pump. J. Anderson said it should be specified that the primary heat source be an air source heat pump. J. Anderson noted that there is nothing in the amendment that states the heat pump is a high efficiency, modern air source heat pump to be used for heating. As written, it says a heat pump, and it can currently be placed in the setback. The language needs to be strengthened. Lowe questioned if other heating

sources can be continued to be used in the building and reminded members that this will be applicable to residential and commercial buildings. K. Anderson agrees with adding “air source” before heat pump. K. Anderson noted the amendment does not eliminate other heating and cooling sources and he’s reluctant to state “primary” heat source in the amendment. Britt agreed with K. Anderson.

Lowe inquired about setbacks that are less than ten feet from an abutter’s window. He said not all setbacks are ten feet. Lowe said it needs to be clarified. K. Anderson said the Board needs to review this and come back to this discussion.

Public Comment:

Thomas Mayo said many heat pump units are already installed throughout Town and noted that several units will not fall into the new guideline. J. Anderson asked if the article should specify if existing units that need to be replaced are grandfathered.

Mike Becker suggested the article include a sound rating for the unit. He also suggested the article require the heat pump be a primary or secondary source of heat. He suspects that the bylaw could be misused simply to acquire an additional foot in the setback.

Britt suggested having a conversation with the Building Inspector. She suggested continuing the discussion to the next meeting. K. Anderson suggested inviting the Building Inspector to the next meeting.

Article 5: As petitioned by a citizen of Ipswich, Toni Mooradd, amend Section III. Definitions, Multi-Family Residential Development, to allow single family homes to constitute up to one third (1/3) of the total units allowed on the lot from the current one quarter (1/4) maximum.

Toni Mooradd, 106 Central Street, decided to withdraw the petition for Spring Town Meeting.

K. Anderson noted the articles will be presented at the Finance Committee meeting on March 23, 2021.

Lowe moved to continue the public hearing on the zoning articles to April 1, 2021. J. Anderson seconded. The motion passed unanimously.

New Public Hearing: Request by New England Biolabs, Inc. for Site Plan Review to construct a new child care facility of approximately 9,000 sq. ft. and a 17-space surface parking lot at the southern portion of the lot known as 31 Fellows Road, immediately adjacent to, and with access from, the owner’s campus at 240 County Road (Assessor’s Map 63, Lot 7 & 43), located in the Rural Residence A District, pursuant but not necessarily limited to Sections V, VII, and X of the Zoning Bylaw

K. Anderson opened the public hearing by reading the legal notice. Westerhoff is recused, Weatherall is recused and K. Anderson is recused.

Britt chaired the hearing. Parsons reminded everyone that three voting members are required to approve a site plan review.

Don Greenough, 32 Fellows Road, attorney representing New England Biolabs, and Charlie Wear, engineer, were present for the hearing.

Greenough reviewed the application. He said the new child care facility will be accessed from the main campus driveway. The building will be 700 feet off Fellows Road and will be licensed for 72 children. The current child care building has a capacity for 36 children. That building is being converted.

Wear reviewed the site plan. Diagrams presented identified the location of the new child care facility. He identified other buildings on the campus and the driveways through the campus. The new building is proposed to be approximately 8,000 sq. ft. and it will be all electric. Wear noted the wetland area and noted there is a no build area.

Mike Lindstrom, architect, presented diagrams of the proposed building. He reviewed the exterior architecture and said the proposed building is a barn style. He discussed landscaping and plans to restore native species. He said feedback from the Design Review Board was positive. Lowe asked about parking. Lindstrom pointed out the parking will be on the right hand side of the building.

Lindstrom stated solar is being evaluated.

J. Anderson asked questions about impact to conservation lands and trails. Wear pointed out the trail that will move 100 feet west and will not disturb conservation land.

Public Comment:

Jim McCarthy, 35 Fellows Road, noted the play areas on the south side appear very close to the trails. He said people with dogs and horses use the trails.

Jennifer Donahue, 12 High Street, asked if the facility is a drive through drop off. Logistics and flow of traffic is very important. She noted that a capacity of 72 children is very large.

Lindstrom said the child care director was involved in the development of the facility. Drop off and pick up is staggered.

Lowe moved to continue the public hearing to April 1, 2021. J. Anderson seconded. The motion passed with 3 votes.

Documents: March 2021 New England Biolabs Presentation

Continued Public Hearing: Request by MMC Realty Holdings LLC for a special permit for a 7-unit multifamily development at 126 & 128 High Street (Assessor's Map 30B, lots 5 & 5A), which is located in the Highway Business and Water Supply Protection Zone II Districts, pursuant but not necessarily limited to Sections V.D, VI, VII and XI.J of the Zoning Bylaw

K. Anderson announced at the applicant's request, the public hearing will be continued without discussion.

J. Anderson made a motion to continue the public hearing to April 1, 2021. Lowe seconded. The motion passed unanimously.

Continued Public Hearing: Request by 108 Central Street LLC for a special permit and site plan review to create 6 units in a multifamily development at 108 Central Street (Assessor's Map 30D Lot 75), which is located in the Intown Residence District, pursuant but not limited to Sections V.D, VI, VII, X and XI.J of the Zoning Bylaw

J. Anderson is recused and Weatherall is appointed as a voting member for this application.

Mike Becker, Charissa Vitas, representing the applicant, Thomas Mayo, architect, and Larry Graham, engineer, were present for the public hearing.

Mayo presented revised plans-Scheme 8, the L building. The building is shortened by twenty feet and additional parking is added. There are six units: two 1-bedroom units, two 2-bedroom units, one 3-bedroom unit. The existing house has four bedrooms. There are a total of ten parking spaces. The height of the building is 29 feet 7 inches and is lower than the existing house. Diagrams were presented to review building elevations.

Scheme 9 has two 2-family buildings and an addition to the existing single family house. Each two family building has two 2-bedroom units. All new parking will be under the buildings. Diagrams for Scheme 9 elevations were presented.

Becker requested direction and feedback from the Board. Mayo stated both schemes have the same number of units but the mix of the units differs.

K. Anderson said both schemes appear less massive and he appreciates the effort in making the changes. Westerhoff agreed that the two schemes are an improvement. He asked if one guest parking spot is adequate. Mayo said that they are trying to reduce the amount of parking. He pointed out an area where additional parking could be added. Westerhoff suggested reducing the project by one unit. Lowe likes a variety of housing types. He likes the mix of one, two and three bedroom units.

Public Comment:

Toni Mooradd, 106 Central Street, would like everyone to consider the buildable section of the lot. It is a very small space and the project is very dense. She said there are too many units being requested. The applicant is seeking to build something that will be part of the neighborhood. None of the plans presented fit in this neighborhood. They are not in character or in scale with the neighborhood. She said the plans are incomplete and it is difficult to picture what will happen. She said the proposed plans appear to isolate single family homes in the neighborhood. Mooradd reminded everyone about the wetlands and riverfront issue for the lot.

Mayo responded to Mooradd and presented additional diagrams. He said elevations were presented and the video should help. He presented photographs of other single family houses in the neighborhood with an additional building. Mooradd said the photographs were already presented and said the additional buildings are single family structures and not multi-family buildings.

Chuck Berry, 38 Chattanooga Road, he said it appears challenging to get six units into a lot that would normally be for a single-family lot. He requested an opportunity to discuss downsizing the project to a more reasonable number of units.

K. Anderson explained that the applicant is allowed five units based on the square footage. The applicant is requesting an additional unit under Footnote 11 in the bylaws. Westerhoff said an option would be to have a three family building and the existing building. K. Anderson added there are various options to consider. Parsons added that the applicant is not allowed anything as a matter of right because this is a special permit. Becker stated that one unit will be affordable if six units are allowed.

Mathew Cummings, Cummings Architects and a neighbor, said the actual available buildable area forces the units to be built above garages. It's a very urban design and not in character with the Town.

Britt said there are developments with parking underneath. It is not common on Central Street.

Marsha Gray, 3 Beechwood Road, said the applicant presented the view from the street but Gray requested seeing the view from the neighbors. She is concerned about neighbors looking at walls. She suggested scaling back the project. She said the project is too big and it would be a mistake to move forward with it.

David Joyce said the scale of the project is the issue as it does not fit in the neighborhood. He agreed with Marsha Gray's comments. He is concerned about water usage.

Carl Gardner said a two story structure is more appropriate. It is a piecemeal erosion of this section of Town. He requested the Board respect what exists. He said there is no right to the number of units as this is an application for a special permit.

Lowe likes the direction of Scheme 9. Weatherall supports the public comments. She suggested figuring out the correct size for the lot and asked for a reduction in size from the applicant. Westerhoff suggested reducing the size of the project. He suggested presenting what a four (4) unit development might look like, such as a three unit multifamily building. Britt supports Westerhoff's suggestion. She suggested three units with screening and no parking under the units. K. Anderson asked about Scheme 8 and if the building could be flipped so it is behind the existing house.

It was noted that comments from the public and several Board members suggest reducing the size of the project.

Westerhoff moved to continue the public hearing to April 1, 2021. Lowe seconded. The motion passed unanimously.

Documents: Scheme 8 and Scheme 9, prepared by Thomas Mayo Associates Architects

Adopt minutes of January 20 and 28, 2021 and minutes of February 16 and 18, 2021

Westerhoff moved to accept minutes of January 20, 2021. Lowe seconded. The motion passed unanimously.

Britt requested an edit for "Kingsman" to be replaced by "Kinsman" on the January 28, 2021 minutes.

Britt moved to accept minutes of January 28, 2021 as edited and Westerhoff seconded. The motion passed unanimously.

Lowe moved to accept minutes of February 16, 2021 and Britt seconded. The motion passed unanimously.

Lowe requested changing “informed” to “suggested” on February 18, 2021 minutes under the public hearing for 108 Central Street.

Lowe moved to accept minutes of February 18, 2021 as edited and Britt seconded. The motion passed unanimously.

Documents: Draft minutes of January 20 and 28 meetings

Announcements/New Business

No new business.

Adjournment

Britt moved to adjourn and J. Anderson seconded. The motion passed unanimously.

Meeting adjourned at 10:46 PM

Meeting notes taken by: Odile Breton

Accepted on: April 22, 2021