

ZONING BOARD OF APPEALS

Ipswich, Massachusetts

April 22, 2021
Special Meeting Minutes

Pursuant to a written notice posted by the Town Clerk. On Thursday April 22, 2021 at 7:00 p.m. the Ipswich Zoning Board of Appeals held a special meeting 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 and Attorney Jonathan Whitten was present as special counsel.

This meeting was recorded by the host.

Discussion of the draft Comprehensive Permit decision for Essex Pastures, LLC

Chairman Gambale opened the public meeting at 7:00 p.m. for the sole purpose of discussing the comprehensive permit application at 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

He introduced members attending, including Attorney Jonathan Whitten was present as special counsel representing the Board.

The Board and Attorney Whitten discussed procedures and process to proceed.

The Board discussed open space within the project and the lack of recreational area; the issue is the quality of life for the future residence. Options were discussed to reduce density and increase open space.

Discussion was held concerning granting/denying portions of certain waiver requests. Specifically, the rear yard setback under waiver request #13.

Motion:

Mr. Clocker moved the Board the request for waiver under #13 for the rear yard setback of 11.8 feet to be denied and the applicant adhere to the 30-foot setback. Mr. Vlahos seconded. The motion passed unanimously with a roll call vote. Fierro, yes; Vlahos, yes; Clocker, yes and Gambale, yes.

Discussion was held concerning specific to open space and reduction of buildings to create more open space. The Board will take a final vote on the decision.

Motion:

Mr. Clocker moved building 'C' to be reduced from 33 unit building to 27 unit building, in such a way that the corner facing the swimming pool is recessed; in addition, eliminate building 'E' in its entirety from the plans and in the absence of building "E" we would adjust the locations of buildings 'D&F' to increase the separation between building and increase the quality and usability of open space. Mr. Fierro seconded, the motion **failed**, two to two, with a roll call vote: Fierro, yes; Vlahos, no; Clocker, yes and Gambale, no.

Attorney Whitten noted these are not formal motions, the Board is voting for clarity.

Motion:

Mr. Vlahos moved the same motion as Mr. Clocker, except building 'G' would be a 27 unit building, instead of 33 units. Mr. Gambale seconded, the motion **failed** with a roll call vote: Fierro, no; Vlahos, yes; Clocker, no and Gambale, yes.

Further discussion took place concerning justification for eliminating certain buildings and the number of units.

Motion:

Mr. Clocker moved to reduce building 'C' from 33 unit to 27 units per comments of peer reviewer Cliff Boehmer eliminate building 'E' in its entirety, for more usable space for the residence. Mr. Fierro seconded, the motion passed with a roll call vote: Fierro, yes; Vlahos, yes; Clocker, yes and Gambale, yes.

Waiver request #1 was withdrawn by the applicant.

Waiver request #2 was granted.

Waiver request #3 was denied and only grant to specific section 7b.1.a

Waiver request #4 – was withdrawn by the applicant.

Waiver request #5 – was denied subject to further review.

Waiver request #6 –the Board questioned the justification for this request; it was tabled for further review.

Waiver request #7 – the Board agreed to grant.

Waiver request #8 – discussion to approve in part and deny in part; it was tabled for further review.

Waiver request #9 - the Board agreed to grant.

Waiver request #10 - the Board agreed to grant.

Waiver request #11 – the Board tabled for further review subject to revised changes, open space reconfiguration and density.

Waiver request #12 - #13 the Board tabled for further review.

Waiver request #16 - the Board agreed to grant.

Waiver request #17 - the Board agreed to grant, subject to revised language the vegetative buffer to the abutters will remain.

Waiver request #18 – the Board agreed to grant subject to revised language.

Waiver request #19 – the Board agreed to waive subject to revised language to specific buildings.

Waiver request #20 - the Board agreed to grant.

Waiver request #21 - the Board agreed to grant.

Waiver request #22 - the Board agreed there was no need for this request.

Waiver request #23 - the Board agreed to grant.

Waiver request #24 – Attorney Whitten will verify it was withdrawn by the applicant.

Waiver request #25 – the Board agreed to deny – but for revised language by Attorney Whitten.

Waiver request #26 – the Board agreed to grant the waiver subject to revised language. Mr. Clocker will check the site plan for clarification.

Waiver request #27 -#28 - #29 -the Board agreed to grant

Waiver request #30, #32 and #33 – the Board tabled subject to revised language by Attorney Whitten.

Waiver request #34 – the Board agreed to deny.

Waiver request #35 - the Board agreed to grant the waiver.

The time was 10:00 p.m. Future meeting dates were discussed.

MOTION:

Chair Gambale moved to continue the meeting to May 5, 2021 @ 7:00 p.m. via Zoom. Mr. Fierro seconded the motion passed unanimously with a roll call vote.

Documents and exhibits used by the Appeals Board: waiver list.

Adjourn: It was moved seconded, and votes to adjourn at 10:04 p.m.

Respectfully submitted,

Marie Rodgers
Administrative Assistant

These minutes were approved on May 20, 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.