

IPSWICH PLANNING BOARD

MEETING MINUTES

Remote Meeting using ZOOM

Thursday, April 23, 2020 at 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, April 23, 2020 using ZOOM. Board members Keith Anderson, Carolyn Britt, Paul Nordberg, Mitchell Lowe, and Helen Weatherall were present. Kevin Westerhoff was absent. Planning Director, Ethan Parsons, was also present.

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

Anderson requested a roll call for all Board members present. He noted the members that were present (all but Westerhoff) as well as Planning Director, Ethan Parsons, and minute taker, Odile Breton. Anderson stated that future Board meetings will likely take place using ZOOM due to the COVID-19 public health emergency.

Citizen Queries: None noted

Request by Luke and Niki Murdoch for temporary certificate of occupancy and minor modification related to new home (“infill” special permit) at 12 Putnam Road

Luke Murdoch was present.

Anderson stated that Murdoch is seeking a temporary certificate of occupancy. Murdoch informed the Board that the stormwater mitigation was very expensive. He stated that the landscaping, curbing and driveway still need to be completed. He said he would like a reduction of the Affordable Housing Trust payment. Anderson said the Zoning Bylaw does not allow for a reduced payment. Anderson said installment payments could be made instead of a one-time payment. Nordberg expressed concern about allowing a payment plan. Lowe asked if non-payment would result in a lien on the home. Parsons stated non-payment would be a zoning violation. Britt suggested getting input on the matter from the Affordable Housing Trust Fund Board. Anderson noted that with installment payments the applicant would not receive the final certificate of occupancy until the Trust Fund Board received the final payment.

Parsons said he views this request as a minor modification. He recommended that the Board issue a temporary certificate of occupancy on the condition that the remaining work be completed by a specified date this fall.

Lowe moved to find that the request is a minor modification to the Special Permit to allow a payment plan to the Affordable Housing Trust in three payments of \$13,333.33, \$13,333.33 and \$13,333.34 to each occur prior to the end of calendar year 2020, 2021, and 2022. Further, the Board allows the issuance of a temporary certificate of occupancy now and a final certificate of occupancy to be issued when the final payment is received by the Affordable Housing Trust Fund Board. Lastly, all work must be completed by October 31, 2020 to the satisfaction of the Building Inspector. Britt seconded the motion. The motion passed 3 to 1 (Nordberg objected).

Documents: Letter from Luke and Niki Murdoch to Planning Board, received by Planning Department 4/15/20

Request by Scott Audette, S&K Homes, for Subdivision Completion and release of final lot at Willowdale Circle

Scott Audette of S&K Homes and Gerry McDonald of H.L. Graham Associates were present. McDonald provided an overview of the subdivision project and special permit issued by the Planning Board.

Parsons reviewed comments from peer reviewer, Bob Puff, about items that need to be addressed. Nordberg suggested a site visit. Lowe asked for an explanation for items not completed and a listing of items that need to be addressed. Trees and the playground came into question. Audette stated that item 5 notes the trees and playground are not required. He also stated the current owners do not want the playground. The landscape plan was for shrubs and plantings, not trees. Lowe stated the landscape plan was not included in the recent package so it is difficult for the Board to assess.

Lowe, Nordberg and Britt had issues with the trees not being planted. Lowe stated the trees were part of the approved plans and a condition of the special permit. It was noted in the original decision that “the playground is to be improved and used at the owners’ discretion”.

Anderson noted other discrepancies between what was approved and built. He stated units 7 and 8 were supposed to have a shared driveway. Audette stated when the owners purchased the properties they did not want shared driveways. Anderson stated it does not appear the approved plans were followed as changes were made that were not approved by the Board.

Nordberg noted that the walking trail was not connected as required. He said that had to be rectified. McDonald stated that once construction began, they did not want to take down any trees to make the connection. Nordberg stated that direct connection could be made without removing trees. Lowe suggested that this request be moved to the next meeting so the applicant can remedy the issues discussed. Anderson informed the applicant that they need to get the Building Inspector to the site to review as well.

Lowe moved to continue the request to May 14, 2020. Britt seconded. The motion passed unanimously (4 votes).

Documents:

- *Record As-Built Plan, prepared 3/23/20 by HL Graham Associates, Inc.*
- *Memo from GM2 Cammett, Re: Willowdale Circle As-Built Review, dated 4/22/20*

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

Jeff Rhuda of Symes Permitting & Development and Rich Harrington of Williams and Sparages were present for the applicant, Symes. Anderson asked the presenters to provide updates of the plans. Harrington discussed drainage, rain gardens, erosion control, grading, the widths of shared driveways, easements and farm area. He also identified changes made at the request of the

Conservation Commission. He had responses for the peer review comments. Britt stated she would prefer not to discuss the peer review comments since the Board has not had time to review the peer review report.

Britt asked if the Commission made any comments relating to nitrogen restrictions. Harrington stated it was not discussed at their last meeting. Britt also asked if the Commission made any comments on water quality given there are underground propane tanks. Harrington stated nothing specific was discussed about the tanks. Britt asked if the Water Department has commented on the underground tanks. Rhuda explained that oil and gas are liquid but propane is gas. Rhuda stated propane is used for heating and cooking. Anderson asked Parsons to request comments from Town departments regarding the underground propane tanks.

Lowe asked about electricity and transformers on the site. He asked where will they be placed and how will they be screened. Rhuda stated that was not yet designed.

Rhuda said that all the homes are solar ready. He said it is better that the owner of the home install the solar panels to receive tax credits as the credits go to the user. Rhuda said smart thermostats will be available at the purchasers' request.

Anderson asked about the location of the crosswalk on Linebrook Road and asked if the Police Department has reviewed it. Anderson also requested additional safety precautions for the crosswalk. He suggested a flashing signal.

Anderson noted that the easement is ten feet wide however the proposed path is only five feet wide. He requested the path be expanded to eight feet in width. Rhuda said that they can expand the path width.

Rhuda noted there is an agreement with the neighbors to add a fence (8 feet in height) next to Phase 2.

Public Comment: French Brandon, 46 Mile Lane, asked about the AC units on lot 17. His property abuts lot 17 and asked if the A/C units could be relocated from the rear of the dwelling unit to the side of the dwelling unit. Rhuda stated the units will be moved. Brandon also asked what was the setback from the house to property line? Harrington said it is approximately 46 feet.

Rhuda asked if the Board could approve Phase 2 at the next meeting. Britt asked why the Board would approve a portion of a subdivision plan. Anderson said the Board will continue its review at the next meeting with no guarantee that they would vote at that meeting.

Public Comment: Beth O'Connor, Open Space Steward for the Town, reminded the Board of a letter sent to them dated December 10, 2019 about the open space. O'Connor asked how boundaries for the open space would be marked. Rhuda stated the Conservation Commission had various suggestions for markers. O'Connor requested the Board include a condition for property and parcel boundary markers. She stated the farm road access from Mile Lane is for farm and pedestrian use. She requested the developer be made responsible for construction of the Mile

Lane access. O'Connor requested details regarding maintenance on the path easement. She asked which party will be responsible for the portions of the trail maintenance.

Rhuda stated that the Commission wants demarcation so the owners do not extend their lawns. He stated there is nothing in the agreement with the Town to construct a trail through to Mile Lane. He said the portion of the trail on Phase 3 will be the responsibility of the Home Owners Association to maintain. Once the trail leaves the property, the responsibility belongs to the Town.

O'Connor stated she will review the agreement and send the relevant section to the Board and Rhuda relating to the construction of the through trail.

Anderson stated there is an extension for the application through May 21, 2020.

Nordberg moved to continue the public hearing to May 14, 2020. Britt seconded. The motion passed (3 votes – Lowe abstained, Westerhoff absent).

Documents:

- *Site Plan presentation prepared by Williams & Sparages, 3/27/20, including Topo, Layout, Profiles and SWPPP Plans*

Continued Public Hearing: Dan and Kathleen Gallanar for a special permit for the conversion of an accessory structure into a dwelling unit at 16 Argilla Road (Assessor's Map 42C Lot 125B), which is located in the Intown Residence District, pursuant to Sections IX.P and XI.J of the Zoning Bylaw

Dan and Kathleen Gallanar, property owners, were present. Mat Cummings, architect, and Jason Santosuosso, builder, presented for the Gallanars. Cummings pointed out the location of the A/C and heating unit. The site plan was presented and reviewed by Cummings and Santosuosso. Cummings noted that Town staff in the Water and Wastewater and Electric Light departments suggested the sewer and electric come from the main house. Cummings said it is technically two separate homes and it is not a good idea to have to share utilities. He discussed a situation where one home owner is not available when there is an issue. He said Town staff suggested an easement. Cummings also had an issue with this because it is an easement into a home owners' home. Anderson suggested Parsons speak to the Town staff for water/sewer and electric to understand the options. Parsons stated he communicated with Vicki Halmen, Water and Sewer Director, and said Vicki informed him that the water line on Kingsman Court is not ideal for use for this site.

Kathleen Gallanar said the proposed dwelling is a studio and it is modest. Utilities coming from the main house would be expensive cost and may make the project infeasible.

Lowe asked about access to the property from Kingsman Court. Cummings said there will be plantings added for screening and the gate access would be maintained. Lowe voiced concerns about visitors parking on Kingsman Court to access the property. The Gallanars responded that

they do not plan on having visitors park on Kingman Court and said the driveway is large enough to accommodate visitors.

Parsons reviewed the draft decision. He stated the applicants will make a payment to the Affordable Housing Trust Fund in the amount of \$15,000. The payment must be made prior to the issuance of a certificate of occupancy. The applicants must also submit a final utility plan before the issuance of a building permit.

Lowe moved to close the public hearing. Britt seconded. The motion passed 4-0.

Nordberg moved to approve the decision as discussed. Lowe seconded. The motion passed 4-0.

Documents: Draft decision prepared by Planning Department staff 4/21/20

Adopt minutes 3/12/2020 meeting.

Anderson noted the minutes were not available.

Anderson announced that there will be a Community Development Plan questionnaire, which will be posted on the Town website.

Adjournment

Britt moved to adjourn at 10:11 PM. Lowe seconded. The motion passed unanimously.

Meeting minutes prepared by: Odile Breton

Adopted on: June 11, 2020