

IPSWICH PLANNING BOARD

MEETING MINUTES

Meeting remotely using ZOOM

Thursday, April 28, 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, April 28, 2022, at Town Hall in Room A and remotely using ZOOM. Board members Carolyn Britt, Mitch Lowe, Toni Mooradd, Jeff Anderson, Helen Weatherall and Associate Member Laurie Paskavitz were present. Staff Ethan Parsons and recording secretary Odile Breton were also present.

Britt convened the meeting at 7:02 PM with a quorum present.

Britt requested an acknowledgement of attendance for all members present. Britt noted in prior meetings she reviewed meeting purpose and procedures for the Board, applicants and public. She requested the meeting operations be posted on the Town website and a handout regarding meeting procedures be provided to applicants. She noted in-person meetings will end by 10:45 PM.

Citizen Queries: Kathleen Spinale, 27 Pleasant Street, asked what the Board does about special permit violations. Parsons responded that the Town Building Inspector is the enforcement officer. The Board must consider conditions in decisions that are enforceable. Britt asked if the residents contacted the contractor. Spinale said it is not the responsibility of residents to speak with the contractor. Parsons noted there are two building inspectors for the Town.

Dan Cullen, 79 High Street, echoed Spinale's concerns. He suffered damage to his property from a special permit project. Cullen spoke with the Building Inspector and Cullen has concerns the Inspector is not in tune with resident concerns. Cullen noted that the special permit project next door installed equipment between the two properties that was not approved on the plans. Britt spoke with Parsons regarding the concerns. Parsons said the lighting was corrected. Parsons noted heat pumps were installed and the developer spoke with the Board about the heat pumps and the Board allowed their installation. The Building Inspector issued temporary certificates of occupancy for units in the project. Britt said within the next two meetings the Board will discuss enforcement of conditions.

Request by Eric and Darla Miner for minor modification to approved special permit project at 83 High Street (Unit 3)

Jeff Anderson is recused and Laurie Paskavitz is a voting member for this request.

Present were Eric and Darla Miner of Unit #3. They are requesting a minor modification to install a car port off the rear of their home. Miner noted there is minimal sight of the proposed structure from the street. The design will fit with the design of the building.

Britt asked why the developer did not complete the application. Miner thought it was the new owner's responsibility and said the developer assisted with the application. Lowe is uncomfortable considering the request until other issues on the site are completed. The neighbor's fence needs to be fixed. Landscaping needs to be completed. Britt suggested continuing the matter.

Lowe made a motion to continue to May 19, 2022, at a meeting beginning at 7:00 pm at Town Hall, in Room A and Mooradd seconded. The motion passed unanimously.

Request by Cirilla Logan for ANR plan endorsement for plan of land at 265 Topsfield Road

Parsons said the plan is for a new lot on Topsfield Road and in his opinion the division is not subject to subdivision control. The lot to be created is approximately 2.9 acres. The plan was displayed. Lowe noted the ANR plan meets requirements for adequate frontage and public access.

Lowe made a motion to accept the ANR plan as presented and Mooradd seconded. The motion passed unanimously.

Continued Public Hearing: 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 that voting members on this application are Lowe, Anderson, Weatherall, Mooradd and Britt.

Attorney Chip Nylen, Jennifer Williams, Senior Management for Ora, Inc, Charlie Wear, engineer with Hancock Associates, and architect John Harden with Olson Lewis Architects were present for the applicant.

Nylen said engineered plans for Phases 2 and 3 were submitted to the Board and DRB. Wear reviewed engineering plans. Wear reviewed the septic system to serve Phases 2 and 3 and pointed out the location on the plan. Phase 2 is an approximately 6,000 sq. ft. footprint. A large rain garden will be part of the stormwater management plan. Parking will be underneath the structure. Ora, Inc. is willing to have a well if the Town prefers. Lowe noted that IRWA recommended not having a well on site. Lowe and Weatherall suggested Wear speak with Wayne Castonguay (IRWA Executive Director). Wear discussed the Town's "WUMP" program

and said the project will include capturing water to receive credit. Pea stone will be used for all driveways. The lawns will be changed to meadow field grass.

Wear spoke about peer review comments for each phase. Phase 1A had minor comments. Wear is working on responses to peer review comments on Phases 1B, 2 and 3. He expects responses to be complete next week. Anderson asked how run-off from the driveway is addressed. Wear said minor grading will direct water to rain garden and catch basins. Wear explained the use of a well on-site and a net-zero impact. Wear commented on the construction sequencing as the entry to the site is part of Phase 1B but will need to happen as part of Phase 1A. The septic design will go before the Board of Health and its plans will be more detailed.

Harden reviewed design plans for Phases 2 & 3. Photographs presented showed views from Waldingfield Road. Harden pointed out screening provided by trees. Balloons were used as building corners for the photographs to demonstrate views from the road.

Public Comment: Joyce Kippen, 50 Lakemans Lane, asked about water usage when all phases are complete. She noted the past droughts impacting Ipswich. She is concerned about safety and traffic on the road.

Gary Champion, 3 Palomino Way, noted the Town approval of the Great Estate Preservation Development bylaw over the years. He said the Board should review Ora, Inc.'s application based on the GEPD bylaw and should members should not allow personal preferences to influence them.

Jack Whittier, 35 Waldingfield Road, said he is speaking as a reaction to the presentation tonight and presentation at the DRB. The presentation from Ora, Inc. for the design is very good. He asked if the plans are too good to be true. He said many of the Ora plans are aspirational based on Ora's assumptions and are not substantiated. It is corporate green washing. Ora is playing to the Board and the citizens of Ipswich. He has visited the Ora website and there is nothing about sustainability, environmental stewardship and respect for heritage.

Amanda Markos, 8 Northgate Road, is concerned about altering the property for corporate development. She is concerned about development impact on the neighborhood and scenic road. She suggested the Board consider a tax impact study of the project.

Nancy Baker, 76 Goodhue Street, Hamilton, MA had questions on drainage and roof run-off. She could not find the full design of the rain garden on the Town website.

Elizabeth Townsend, 217 Argilla Road, sent a letter to the Board but it was not posted on the Town website under Current Projects.

Elisabeth Massey, 920 Highland Street, Hamilton, MA is concerned about a corporate entity playground at the expense of neighbors. It does not make sense for a small property compared to the New England Biolabs property and Turner Hill.

Beth O'Connor, Open Space Steward for the Town of Ipswich, requested the applicant document open space and public access on the plans.

Will Friend, 951 Highland Street, Hamilton, MA, said the presentation focused on phases 2 and 3 but did not discuss improvements at the entrance. He said parking at the entrance will be visible from Waldingfield Road. He asked if the site meets GEPD bylaw requirements. He is concerned about traffic patterns and neighborhood character.

Britt said for the May 19, 2022, meeting, the applicant needs to address entrance details, responses to peer review, water usage, and landscape plan. Anderson suggested the applicant document the issue and the resolution to the issue. He said it is a complicated project and it requires a lot of time to review. Lowe noted DRB comments for the project and Ora will go before the DRB prior to the next meeting.

Lowe made a motion to continue the public hearing to May 19, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM. Mooradd seconded the motion. The motion passed unanimously.

Vote to adopt Community Development Plan

Britt took the adoption of the Community Development Plan (CDP) out of order for a vote.

Weatherall made a motion to adopt the CDP and Paskavitz seconded. The motion passed unanimously.

Continued Public Hearing: Request by 214 High LLC for a Special Permit for a multi-family dwelling (10 units) at 214 High Street (Assessor's Map 21 Lot 13), 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, IX.C, IX.K, and XI.J of the Zoning Bylaw

Jeff Anderson is recused and Laurie Paskavitz is appointed a voting member. Carissa Vitas, Mike Beker (via Zoom) Larry Graham (design engineer -via ZOOM) and Tom Mayo (architect, Thomas Mayo Associates) were present for the application. Vitas requested feedback from the PB from the site visit. Lowe said the Board does not care for all garages to be in the front of the site. Lowe would like to meet with the Conservation Commission (ICC) to understand restrictions on the site that force the applicant to do something against the Board's best judgement. The biggest negative for the project is all the garages in the front and the applicant was forced to do that because of ICC restrictions. We need to work with ICC to understand the restriction before further review of the design. Paskavitz is concerned with the proximity of the wetlands and suggested a smaller building. Weatherall noted the wetland area and said the Board should not make decisions based on opinions that the wetlands are not a natural wetland. Mooradd asked Lowe about working with the ICC and does not want a precedence that ICC deviates from its charter. Lowe wants to understand the restrictions because those restrictions impact the design of the building. Mooradd said ICC is not putting restrictions on the design of the building. The design of the building is influenced by the area of the lot that is buildable. Mooradd does not like the garages in the front and that the PB needs to understand the ICC's

restrictions on the site. Britt noted a retaining wall on the site plan and noted potential difficulty with vehicles maneuvering.

Odile Breton, 9 Soffron Lane, has a part-time position with the Town of Ipswich preparing minutes for the Board and ICC. She provided information discussed at the ICC hearing on this project. There are wetlands and buffer zones that need to be considered. The location of the wetlands and buffer zones make the buildable space limited. Graham clarified that the change in use (single-family to multi-family) is a 50 ft. no disturbance zone (NDZ). Graham stated the NDZ is on the plans. He said beyond the NDZ is another subzone which is a 15 ft. no build zone (NBZ). He said the ICC will not look at the project if it proposes to build in the NDZ or NBZ. The zones took away the ability for vehicles to go in the back of the building.

Becker noted the ICC did not specifically tell the applicant what to do. The restrictions limit traffic movement on the site. Weatherall noted DRB comments and said the building is too dense for the buildable area. Weatherall said DRB suggested putting two buildings instead of one to break up the massing of the building. Paskavitz said the building is immense and is concerned about adequate parking. Mayo noted the plans submitted met all parking requirements. Lowe is concerned about the size of the building on the buildable portion of the lot is putting constraints on the applicant. The density is a problem because the site is tight. Mooradd could not compare it to other sites in the area because other sites have larger buildable lots. Board members asked Parsons to get specifics from the ICC regarding restrictions.

Mooradd made a motion to continue the public hearing to May 19, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM and Paskavitz seconded. The motion passed unanimously.

Continued Public Hearing: Request by Carl Gardner for a Special Permit to build a detached accessory dwelling unit at 5-7 Turkey Shore Road (Accessor's Map 42A, Lot 37C), which is located in the In-Town Residence District, pursuant but not necessarily limited to Sections IX.U and XI.J of the Zoning Bylaw

Jeff Anderson is recused and Laurie Paskavitz was appointed a voting member on this application when it opened on March 10, 2022. Carl Gardner, 9 Woods Lane, was present for the application.

Parsons noted the ICC is drafting an Order of Conditions (OOC) for this application. ICC requested to see peer review comments to make sure there are no significant items to address. Parsons has been contacting Bob Puff for a peer review. Britt noted DRB comments. Mooradd said ICC is favorable for the project and had questions on the swale in the driveway.

Gardner said the ICC requested an Operations and Management Plan (O&M) for stormwater management and drainage. It also requested written permission from DPW for curb cuts. Gardner said DRB requested planting plan which was provide to PB and ICC. DRB voted in favor of the project (3-0-1. Gresh abstained).

Britt said the rock wall is not in consistent with the neighborhood. She asked if it could be replaced with shrubs. Gardner would like to keep it and make improvements to the rock wall in the future.

Gardner provided a summary of the application to the Board. The handout included zoning requirements, technical issues and an email from Clark Ziegler, 10 Woods Lane, supporting the project. Gardner reviewed new information since the last meeting. He met with ICC on April 6, 2022 and made changes. The width of the gravel driveway is 18 ft. instead of 20 ft. The driveways and swale will lead water to infiltration and catch basin. A shade tree will be planted on the right side of the driveway which DPW will review. Gardner reviewed elevations. A rendering of the proposed dwelling was presented. Weatherall suggested skylights to provide more natural lighting. Weatherall and Lowe said the windows appear narrow and suggested adding more windows. Britt is concerned with 1 car parking near rocks. Gardner said the driveway is 18 ft. wide providing 9 ft. in width for each parking spot. Vehicles are not 9 ft. wide.

Public Comment: Bill Mitchell, 9 Turkey Shore Road, abutter concerned about drainage because his property is on the downside of 5-7 Turkey Shore Road. He noted soils in the area poorly drain. He requested conditions for proper drainage.

Maryanne Malarkey, 15 Turkey Shore Road, is concerned about function and suitability of the project. She opposes the development.

Catherine ‘Kitty’ Bartholomew, 16 Turkey Shore Road, noted several long-term residents of neighborhood. This is the first accessory dwelling unit on Turkey Shore Road. She is concerned about safety and traffic flow. She noted parking it tight on the site. She asked if a floor plan was requested for the project.

Lowe would like peer review on the drainage. Weatherall is concerned with the location of the building being near an abutter. She is concerned about the impact on the neighbor.

Gardner described the floor layout as efficient. The first floor is an open layout with a kitchen, living room and powder room under the stairs.

Lowe made a motion to continue the public hearing to May 19, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM and 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. Laurie Paskavitz was appointed a voting member for this application on September 9, 2021.

John Colantoni and Attorney James Juliano were present. Jim Emmanuel (landscape architect), and John Duggar (architect) were present on ZOOM.

Colantoni reviewed changes since the last meeting. He said Thad Barry (engineer) is working on responses to the peer review. Colantoni is not opposed to solar if it does not impact another unit. He said the condominium association will need to approve. All trash and recycling removal is private. The landscaping plan was updated and submitted.

Weatherall encouraged solar and the condominium documents should encourage. She said the units should be sold with solar. Britt liked the location of the outdoor common area. Paskavitz said exterior lighting needs to be dark sky compliant. Mooradd asked if interior fireplaces could be electric and not natural gas. Colantoni said a choice could be offered to buyers.

Public Comment: Kathleen Spinale, 27 Pleasant Street, asked for clarification on public trash pick-up for the project. She thanked Weatherall for comments made in regard to special permits issued for the development in the IR.

Britt suggested continuing the public hearing for the responses to the peer review comments.

Lowe made a motion to continue the public hearing to May 19, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM and Mooradd seconded. The motion passed unanimously.

Continued 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 GEPD lot)

Jeff Anderson and Helen Weatherall are recused. Laurie Paskavitz is appointed a voting member.

The applicant requested a continuance without discussion.

Mooradd made a motion to continue the public hearing to May 19, 2022, at Town Hall in Room A at a meeting beginning at 7:00 PM and Lowe seconded. The motion passed with 4 votes (Britt, Mooradd, Lowe, Paskavitz).

Adopt minutes of March 31, 2022 and April 14, 2022

Paskavitz made a motion to adopt the minutes of March 31, 2022, and April 14, 2022, as drafted/amended and Mooradd seconded. The motion passed unanimously.

New Business: Parsons announced Spring Town Meeting is May 10, 2022. Parsons will be available to answer questions on the Community Development Plan.

Adjournment: Lowe made a motion to adjourn, and Weatherall seconded. The motion passed unanimously.

Meeting adjourned at 10:54 PM.

Meeting notes taken by: Odile Breton

Adopted on: June 9, 2022