

**ZONING BOARD OF APPEALS
Ipswich, Massachusetts**

May 5, 2021
Special Meeting Minutes

Pursuant to a written notice posted by the Town Clerk. On Thursday May 5, 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 and ICAM.

Citizen's Queries: there were none seen.

Chairman Gambale re-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 recent submittals: an email response from Attorney Smolak response to waivers and an email letter from Kristen Grubbs, Town Planner.

Attorney Whitten began review with waiver request #36, 37, and 38.

Motion:

Chair Gambale moved the Board grant waivers#36, 37, 38. Mr. Fierro seconded, the motion passed unanimously with a roll call vote. Vlahos; yes: Fierro, yes: Clocker, yes: and Gambale, yes.

Attorney Whitten reviewed waiver request # 39 and discussion was held.

Motion:

Mr. Fierro moved the Board deny waiver request #39. Mr. Vlahos seconded, the motion passed unanimously with a roll call vote. Vlahos; yes: Fierro, yes: Clocker, yes: and Gambale, yes.

Motion:

Chair Gambale moved the Board deny waiver #40 in its entirety. Mr. Fierro seconded. Discussion took place. The motion passed unanimously with a roll call vote. Vlahos; yes: Fierro, yes: Clocker, yes: and Gambale, yes.

Motion:

Mr. Fierro moved the Board deny waiver request #41. Mr. Vlahos seconded, the motion passed unanimously with a roll call vote. Vlahos; yes: Fierro, yes: Clocker, yes: and Gambale, yes.

Waiver request #42 Attorney Whitten suggested to deny and place as a condition with revised language to allow.

Motion:

Mr. Fierro moved the Board deny waiver request #42. Mr. Vlahos seconded, the motion passed unanimously with a roll call vote. Vlahos; yes: Fierro, yes: Clocker, yes: and Gambale, yes.

Motion:

Mr. Fierro moved the Board deny waiver request #43. Mr. Vlahos seconded, the motion passed unanimously with a roll call vote. Vlahos; yes: Fierro, yes: Clocker, yes: and Gambale, yes.

Motion:

Mr. Fierro moved the Board deny waiver request #44. Mr. Clocker seconded, the motion passed unanimously with a roll call vote. Vlahos; yes: Fierro, yes: Clocker, yes: and Gambale, yes.

Motion:

Mr. Clocker moved the Board deny waiver request #45. Mr. Vlahos seconded, the motion passed unanimously with a roll call vote. Vlahos; yes: Fierro, yes: Clocker, yes: and Gambale, yes.

Attorney Whitten offered that the Board may revisit any of the preceding motions in the final draft decision.

Discussion turned to scheduling additional meetings. It was agreed to meet on May 19, 2021 and May 24, 2021.

The Board and Attorney Whitten reviewed and edited the draft decision and the red line draft from Attorney Smolak.

Attorney Whitten will incorporate the Board's decisions as discussed and provide a final draft prior to the May 19 meeting.

Documents and exhibits used by the Appeals Board: waiver list conditions, draft decision, email dated 5.5.2021 from Attorney Smolak and email letter dated 5.5.2021 from Town Planner.

MOTION:

Chair Gambale moved to continue the meeting to May 19, 2021 @ 7:00 p.m. via Zoom. Mr. Fierro seconded the motion passed unanimously with a roll call vote.

Adjourn: It was moved seconded, and votes to adjourn at 9:35 p.m.

Respectfully submitted,

Marie Rodgers
Administrative Assistant

These minutes were approved by the Board as submitted on May 20, 2021.

ZBA
Ipswich ~ Massachusetts
Special Meeting Minutes
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.

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