

ZONING BOARD OF APPEALS Ipswich, Massachusetts

May 19, 2021
Special Meeting Minutes

Pursuant to a written notice posted by the Town Clerk. On Thursday May 19, 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, Rob Clocker and Elliot Posada. 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.

New member Elliot Posada will not be a voting member.

Attorney Whitten reported that he reached out to the applicant's attorney to request an extension for the filing of the Board's decision to two days later or May 27th, Attorney Smolak replied that the applicant was not willing to grant an extension. He then related his recommendation on how to proceed. The Board agreed.

The Board reviewed the draft decision, page by page led by Attorney Whitten.

Discussion took place concerning section II. Findings of the Board C. with respect to the "Approval Not Required" (ANR) request. Attorney Whitten explained it's a matter of semantics and purely an administrative task; the ZBA will give direction to the Planning Board to approve under the sub-division control law.

Discussion was held concerning the issue of affordability; at 80% of the AMI rents for a one bedroom would be the same or more than some market rates in town for a comparable apartment. The Board agreed to make the affordable apartments, truly affordable and change the 25% of units affordable to 20% at 80% of the AMI to 50%. The Board reflected on the economic impact on the applicant, without the pro forma, it is unknown.

The project shall be affordable, in perpetuity, to individuals and or families earning no more than 50% of the Area Median Income (AMI)...The Board agreed to 20% affordable at 50% of the AMI – fewer units but substantially less expensive and more obtainable to lower income people.

Additional review and edits took place some were, to require a certified arborist to review the final landscape plans; If, after a study, its determined that a traffic light is needed, at the intersect of County Rd and Essex Rd, it shall be the responsibility of the applicant; the crosswalks shall be a more substantial material than just paint, bicycle storage should be shown on the final plans.

Attorney Whitten will incorporate the Board's decisions as discussed and provide a final draft prior to the May 24 meeting.

Documents and exhibits used by the Appeals Board: preliminary draft decision.

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MOTION:

Chair Gambale moved to continue the meeting to May 24, 2021 @ 7:00 p.m. via Zoom. Mr. Vlahos seconded the motion passed unanimously with a roll call vote.

Adjourn: It was moved seconded, and voted to adjourn at 8:42 p.m.

Respectfully submitted,

Marie Rodgers
Administrative Assistant

These minutes were approved on June 17, 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.