

## IPSWICH PLANNING BOARD

MEETING MINUTES  
Remote Meeting using ZOOM  
Thursday, June 3, 2021  
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, June 3, 2021 using ZOOM. Board members Keith Anderson, Mitchell Lowe, Jeffrey Anderson, Carolyn Britt, Kevin Westerhoff and Helen Weatherall were present. Staff Ethan Parsons and Kristen Grubbs were present.

K. Anderson convened the meeting at 7:07 PM with a quorum present.

K. Anderson requested an acknowledgement of attendance for all members present. He noted the Board members that were present as well as Town staff, Ethan Parsons, Kristen Grubbs and minute taker Odile Breton.

### **Citizen Queries:**

John Colantoni, 342 Linebrook Road, developed 64-66 County Street and 3 Payne Road. He read a letter that was addressed to the Planning Board. The letter was in response to public comments made relating to parking issues for 64-66 County Street and 3 Payne Road. He said the negative statements made were incorrect. He noted neighbor involvement in each project and due diligence conducted through fourteen public meetings through various Town boards and committees.

K. Anderson acknowledged receipt of the letter from Colantoni.

Sadie Woodward, 302 Dodge Road, Rowley, made an announcement for a bylaw training opportunity through Mass Audubon. Ipswich River Watershed Association (IRWA) is working with Mass Audubon to bring its bylaw training to the North Shore. The training program is free to municipal members and the review of bylaw training is to promote low impact development. Woodward provided contact information for herself and colleague at IRWA; ([swoodward@ipswichriver.org](mailto:swoodward@ipswichriver.org) and [plynch@ipswichriver.org](mailto:plynch@ipswichriver.org) ).

Lowe made an inquiry regarding resuming in person meeting. He asked if there will be a hybrid meeting. Parsons believes after June 15, 2021, in person meetings may resume. He believes the Town Manager and Select Board are looking into a hybrid model for certain public meetings. Parsons will follow up with the Board.

K. Anderson noted the Planning Department received a notice from the Massachusetts Division of Fisheries and Wildlife for a draft habitat priority map that it is developing. K. Anderson said comments can be made at [mass.gov/masswildlife](http://mass.gov/masswildlife).

**Request by Geoffrey P. Noyes, Trustee of Sunswick Realty Trust, for ANR endorsement for plan of land at 65 Waldingfield Road**

Parsons explained the lot has frontage in Hamilton and Ipswich. Hamilton's Planning Board will also need to approve. Parsons displayed the site plan and said the plan qualifies as an ANR. He said the lot in Ipswich would have access off Waldingfield Road. There is no proposed development.

*Lowe moved to endorse the ANR at 65 Waldingfield Road. Westerhoff seconded. The motion passed unanimously.*

*Documents: Plan of Land, prepared by Donohoe Survey, Inc., 5/26/21*

**Request by Anne Burkhardt for ANR endorsement for plan of land at 8 Hemlock Drive**

Rich Kallman, Attorney and Meredith Fine, Attorney were present for the applicant. The lot (approximately 11.3 acres) is proposed to be split into two lots. One lot would be approximately two acres and the second lot would be approximately 9.3 acres. Frontage for both lots would be on Hemlock Drive. Kallman pointed out the right of way that exists on the site plan.

Kallman said Hemlock Drive is a private way. Lowe asked about access for emergency vehicles. Kallman said the Fire Chief reviewed and approved the proposal. Parsons confirmed adequate width for the right of way. The hammer head access was approved by the Fire Chief and needs to be constructed. Britt is concerned with shared access for another property and adequate grade and width. Kallman said it will be eighteen feet wide with eight inches depth of gravel. Lowe and Westerhoff pointed out that the plan documents fifteen foot wide right of way. Britt said what will be does not meet the existing conditions criteria for adequate width, construction and grade. Britt did not feel comfortable approving the ANR. J. Anderson asked for clarification on the concern. Britt said she is concerned about access for residents. The plan is confusing. Lowe thinks the plan needs to be cleaned up. Weatherall agreed with Britt and Lowe.

*Lowe made a motion to not approve the ANR and Westerhoff seconded. K. Anderson asked Parsons if the motion would prevent the ANR moving forward in the future. A discussion began for the best course of action.*

*Kallman requested a withdrawal and said he will resubmit the request. Lowe withdrew the motion to not approve the ANR.*

*K. Anderson made a motion to approve the withdrawal request and Lowe seconded. The motion passed unanimously.*

*Documents: Plan of Land, prepared by Gateway Consultants, Inc., 5/24/21*

**Request by Symes Associates to bond outstanding site work and release lots in Phase 2 in accordance with the covenant for the subdivision project**

Jeff Rhuda was present. K. Anderson explained the process and noted that surety is required for all subdivisions. He said it was reviewed and recommended for approval by TEC (subdivision inspector for the Town).

Form E (form used by the Town) was presented and used for cash deposit surety. It documents surety for the Town that the work is completed and the surety is for \$28,500.

Form G is the form the Town uses for lot release. The request is for lots in Phase 2 to be released subject to the cash surety.

*Lowe moved to approve Form G and J. Anderson seconded. The motion passed unanimously.*

**Request for Spencer Kalker to extend Special Permit for Registered Marijuana Dispensary at 59 Turnpike Road**

Parsons explained it is a two year extension request which is due to COVID-19 and funding issues. K. Anderson is not comfortable with a two year extension and the special permit (issued April 2017) has already been extended in June 2019 to April 2021. He suggested a one year extension to June 1, 2022.

*Britt moved to extend the special permit to June 1, 2022. Lowe seconded. The motion passed unanimously.*

**Continued Public Hearing: Request by 108 Central Street LLC for a special permit and site plan review to create 6 units in a multifamily development at 108 Central Street (Assessor's Map 30D Lot 75), which is located in the Intown Residence District, pursuant but not limited to Sections V.D, VI, VII, X and XI.J of the Zoning Bylaw**

K. Anderson announced the public hearing will be continued without discussion at the applicant's request. J. Anderson is recused. Weatherall is a voting member for this application. The application was extended to June 25, 2021.

*Westerhoff moved to continue the public hearing without discussion to June 24, 2021. Britt seconded. The motion passed unanimously.*

**Continued Public Hearing: Request by Sarah L. Winderlin for a Special Permit to construct a new four unit building as part of a multifamily development and incorporate the existing two-family and accessory conversion units into the multifamily development at 87 High Street (Assessor's Map 30D Lot 12), which is located in the Intown Residence and Rural Residence A Zoning Districts, pursuant but not necessarily limited to Sections V.D, VI, VII and XI.J of the Zoning Bylaw**

K. Anderson announced the public hearing will be continued without discussion at the applicant's request. K. Anderson is recused. Weatherall is a voting member for this application.

*Lowe moved to continue the public hearing without discussion to June 24, 2021. Westerhoff seconded. The motion passed unanimously.*

### **New Public Hearing: Amendments to Planning Board Inclusionary Housing Payment-in-lieu of Option Regulation**

K. Anderson opened the public hearing by reading the legal notice. A draft regulation was presented. K. Anderson suggested adding a sentence under #3 "Authorization" for how often the regulation gets reviewed. The regulation shall be reviewed at least once each calendar year in consultation with the Ipswich Housing Partnership, Planning Board, and the Affordable Housing Trust Fund Board.

Lowe suggested adding source information about amounts used so those sources can be consistent over years and future Board members know the source of information. For example, the regulation should document the source of average housing costs. J. Anderson noted that sources of data can change over time. He suggested using publicly accessible data to use for calculations in the regulation.

Parsons noted on page 3 the paragraph "For Footnote 11 units, the number of mandatory units and payment in lieu of fee is based on the 20% affordability requirement ..." is not necessary and potentially confusing and should be removed. K. Anderson asked if the paragraph could be tied back to the paragraph above it. Parsons said he would rework bullet b.

No public comments.

*Britt moved to close the public hearing. Lowe seconded. The motion passed unanimously.*

*K. Anderson moved to approve the Planning Board Payment-in-Lieu Regulation fees as drafted and edited with added language in section three. Westerhoff seconded. The motion passed unanimously.*

**New Public Hearing: Request by ANFM Realty LLC to modify the 1/3/2019 special permit for 51-61 Market Street and the 8/22/2019 special permit for 21 Market Street, by meeting the Inclusionary Housing requirements for both projects by providing the required affordable units at 15 Market Street, and to modify the 9/22/2011 and 9/27/2018 special permits issued for a residential mixed-use building, to add only a second floor and not build offices, at 15 Market Street (Assessor's Map 42A, Lot 214), located in the CB District, pursuant but not necessarily limited to Sections V, VII, VIII, IX.I and K, and XI.J, of the Zoning Bylaw**

K. Anderson opened the public hearing by reading the legal notice. K. Anderson recused himself and appointed Weatherall as a voting member to serve in his place since he will not be on the Board after tonight's meeting.

Frank Pasciuto was present for the applicant. He said the application is for a modification of a special permit issued for a residential mixed use project at 15 Market Street. The original design was to add three stories to the building to create a four story building. The revised design is for a two story building with second level having thirteen one bedroom residential units ranging from approximately 600 sq. ft. to 900 sq. ft. He noted there will be five affordable units. There are no parking changes and there is no commercial parking requirement. The management plan allows restricting parking spaces for residents from 6 PM to 9 PM.

Parsons noted the Design Review Board (DRB) will review the plans. Britt requested information be in writing. Lowe has concerns with the plans presented. He noted the plans include only two 2-bedroom units. He is also concerned with building code requirements. Pasciuto said the plans were labeled incorrectly. Britt said DHCD has minimum requirements for affordable housing units. Pasciuto said 600 sq. ft. is the minimum square footage. Britt requested Parsons verify with DHCD the minimum unit size for the Local Initiative Program (LIP) requirements.

Weatherall asked about the number of units. Pasciuto said the special permit was approved for a total of sixteen residential units. He said three units exist on the first floor of the building. Weatherall asked if there will be roof access for outdoor space for residents. Pasciuto said no and the HVAC units will be on the roof. Weatherall asked if the HVAC units will be screened. Pasciuto said the units cannot be seen from the street or parking lot.

For the next meeting, the correct plans need to be submitted and presented. A written description of how the modification request differs from the original approved plans is needed.

*Westerhoff moved to continue the public hearing to June 24, 2021. J. Anderson seconded. The motion passed unanimously.*

*Documents: 5/14/21 Special Permit application*

**Continued Public Hearing: Request by MMC Realty Holdings LLC for a Special Permit for a 7-unit multifamily development at 126 & 128 High Street (Assessor's Map 30B Lots 5 and 5A), 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, and XI.J of the Zoning Bylaw**

Louis Rubino and Larry Graham were present for the applicant. Graham said the final recommendation from the DRB was received. The final letter from Bob Puff (peer reviewer) dated May 26, 2021 was received. He also received an email from Vicki Halmen, Water and Wastewater Director was received.

The May 20, 2021 site plans were revised based on Bob Puff's review. The Water Subcommittee reviewed the project on behalf of the Water Commission. It said the project improved water quality to the aquifer. The Water Commission can provide a recommendation on June 21, 2021.

Lowe asked if the plans were updated for peer review comments from the May 26, 2021 letter. Graham said no but the draft decision includes a condition to include revisions. The decision refers to Puff's memo and it's a condition of approval in condition #8.

Parsons reviewed the draft decision emphasizing findings and conditions. He said a condition is for the lots to be combined. The special permit is for a multi-unit development, more than 20% of lot is impervious and there is a request for relief from the parking requirement.

In the findings, Parsons will add an explanation of the Water Subcommittee participation because the project is in the Water Supply Protection District. Comments from Vicki Halmen relating to the inspection for recharge replace will be added. Added to the conditions is for the landscaping plan to contain native planting to extent possible and the plan needs to be reviewed and approved by the DRB. Language will be added to encourage natural wood material for the fence.

Weatherall requested the application not be approved because it is not in character with the neighborhood. The benefit does not outweigh the detriment to the Town. There are traffic and density issues in the neighborhood.

K. Anderson said the project is an improvement to the existing site. Lowe noted the Board has asked a lot of the applicant and the applicant has been responsive and cooperative.

*Lowe moved to close the public hearing. J. Anderson seconded. The motion passed unanimously.*

*Westerhoff moved to approve the special permit as drafted, discussed and revised. J. Anderson seconded. The motion passed unanimously.*

*Documents:*

- *Plan Set 5/20/21, prepared by HL Graham Associates*
- *5/26/21 Bob Puff, P.E., memo to Planning Board*

**Continued Public Hearing: Request by C & J Reality Trust for Site Plan Review at 57 & 59 Mitchell Road to construct a new industrial building and expand an existing industrial building, with associated increase in parking and site work at 57-59 Mitchell Road (Assessor's Map 21, Lots 18R & 108), located in the Industrial District, pursuant but not necessarily limited to Sections V, VII and X of the Zoning Bylaw**

K. Anderson announced the public hearing will be continued without discussion at the applicant's request.

*J. Anderson moved to continue the public hearing without discussion to June 24, 2021. Lowe seconded. The motion passed unanimously.*

## **Discussion: Special Town Meeting Fall 2021 Zoning Priorities and Proposed Regulations Revisions**

Parsons said the effort is underway. The following are topics being reviewed:

- IR district for density and design – looking to at information to change bylaws
- Footnote 11 changes
- Special permit regulations

Parsons noted an aggressive schedule so that public hearings can be scheduled for August 2021. K. Anderson suggested shorter, smaller meetings work well.

### **Adopt minutes of April 1 and 22, 2021**

Lowe requested an edit for April 1, 2021 related to the 87 High Street application. He added clarification for grade elevation and not building elevation.

*Lowe moved to adopt the minutes for April 1, 2021 as drafted and revised. Westerhoff seconded. The motion passed unanimously.*

Westerhoff requested an edit for the April 22, 2021 minutes with respect to potential affordable housing units for 87 High Street application.

*Lowe moved to adopt the minutes for April 22, 2021 as drafted and revised. Westerhoff seconded. The motion passed with 4 votes (J. Anderson abstained).*

*Documents: Draft minutes of April 1 and 22 meetings.*

### **Announcements/New Business**

K. Anderson said the Board needs a new chair for the next meeting. This is K. Anderson's last meeting.

*K. Anderson moved to nominate Britt for the chair of the PB from June 4, 2021 to December 31, 2021. Lowe seconded the nomination. The motion passed unanimously.*

Westerhoff announced he is stepping down from the Planning Board as of August 6, 2021.

### **Adjournment**

*Lowe moved to adjourn and K. Anderson seconded.*

Meeting adjourned at 10:09 PM

Meeting notes taken by: Odile Breton

Adopted on: July 15, 2021