

IPSWICH PLANNING BOARD

MEETING MINUTES

Remote Meeting using ZOOM

Thursday, August 5, 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, August 5, 2021 using ZOOM. Board members Carolyn Britt, Jeffrey Anderson, Kevin Westerhoff, and Mitchell Lowe were present. Toni Mooradd and Helen Weatherall were absent. Staff Ethan Parsons and Kristen Grubbs were present.

Britt convened the meeting at 7:04 PM with a quorum present.

Britt requested an acknowledgement of attendance for all members present. She noted the Board members that were present as well as Town staff, Ethan Parsons and Kristen Grubbs and minute taker Odile Breton. Britt and Parsons noted this is Westerhoff's last meeting and thanked him for his work on the Planning Board.

Citizen Queries: None noted

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

Parsons said the applicant requested an extension. No vote from the Board is needed to continue.

New 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

Parsons noted an issue with Mooradd and Weatherall not present and this being Westerhoff's last meeting. Lowe is recused. Britt and Anderson are present but that does not make a quorum for the hearing. Parsons suggested not opening the public hearing this evening and rescheduling it to August 25, 2021. Parsons said he would re-advertise the hearing for August 25, 2021 on ZOOM at 7:00 PM.

Britt apologized to the applicant and the audience for the inconvenience.

Continued Public Hearing (from July 26, 2021): Proposed Zoning Warrant Articles for October 19, 2021 Town Meeting. The articles would amend the Ipswich Zoning Bylaw as follows;

- A. Article X: Eliminate the ability to use the density bonus as defined in *Footnote 11 to Section VI. Table of Dimensional and Density Regulations* within the IR District.
- B. Article Y: Revise *Section IX. Special Regulations Subsection S. Infill Single Family House Lots* by: (1) Reducing the allowed maximum house size and allowing flexibility for the house size based on the size of the Infill lot; (2) remove reference to the \$40,000 affordable housing payment required in lieu of creating affordability restriction and add a reference to Planning Board Payment-in-Lieu Option Regulation; and amend *Subsection IX.P Conversion of Accessory Dwelling Unit* by removing the reference to the \$15,000 payment in lieu option and replacing it with a reference to the Planning Board’s Payment-in-Lieu Option Regulation.
- C. Article Z: Amend Section IX. Special Regulations by adding a new Subsection: “U. Detached Accessory Dwelling Units”, which would allow said use by Special Permit within the IR District on certain eligible lots.

Britt provided a summary of the proposed zoning changes for the public hearing that opened on July 26, 2021. She noted the proposed changes are related to housing and density. Parsons reviewed changes made from the July 26, 2021 hearing.

- 1. *Footnote 11* – Parsons said there was not a lot of discussion for the removal of *Footnote 11* for the IR District. Parsons displayed the articles. Lowe and Westerhoff agreed with proposed changes.
- 2. *Infill Single Family Housing* – Parsons noted the maximum floor area, Section c, changed for clarity. Anderson and Lowe said it was clearer. Section d needs more work for clarity as garages are not considered floor area. A discussion began for attached and detached garages. Floor area is a technical term defined in the bylaws. Westerhoff made a point that infill lots are smaller lots and probably will not have adequate space for a detached garage. Parsons said there have been requests for flexibility to allow a detached garage but cannot have one under the current bylaws. Anderson said there will probably be more attached garages as it’s a more efficient package for an infill site. Anderson compared existing language with the proposed changes and noted the changes make it more restrictive. Parsons said it is more restrictive if you consider the maximum floor area allowed. It’s less restrictive if you consider the accessory building allowances. Proposed edits were made. The accessory building noted in d and the maximum footprint is 150 sq. ft. In Section e, a garage attached or detached, shall not have a footprint greater than 250 sq. ft. Parsons suggested a height limit. Lowe suggested the height limit be 15 ft. Parsons suggested not allowing habitable space in the detached garage instead of limiting the height. Habitable space is allowed for attached garages.

Review criteria for infill lots: Currently the Board may seek an advisory opinion from the Design Review Board (DRB). It was suggested that projects within the Architectural Preservation District (APD) do not need to be reviewed by the DRB since the projects are

reviewed by the Architectural Preservation District Committee (APDC). Parsons noted the added language is not necessary since the APD is not a zoning district. Lowe wants the language to be clear so that an applicant would not have to go before both the DRB and the APDC. Grubbs said the purpose is to relieve the Board of design review when a project is in the APD. Parsons reminded the Board that the DRB reviews more than architectural elements of a project. It also looks at landscape and site design.

Public Comment: Odile Breton, 9 Soffron Lane, had a question on the accessory building proposed changes. She asked if there is anything preventing the use of an accessory building for short-term rentals such as VRBO. Parsons said technically short-term rentals are not permitted in Town however the Town has not taken a strong stance on short-term rentals. Short-term rentals are a commercial use and not a dwelling unit. The zoning bylaw is silent on this use and where ever the zoning bylaw is silent it is prohibited.

3. *Review of Table of Use Regulation* – reviewed dimensional requirements for accessory dwelling units (ADU). Dimensional requirements under:

2. Suggestion from Carl Gardner of Woods Lane to look at a single and two level structures differently. A single floor ADU can have a maximum of 750 sq. ft. of floor area. A two floor ADU can have a maximum of 1000 sq. ft. of floor area.

The two floor ADU spreads the footprint over a smaller area. Lowe is concerned about increasing density in the IR District and the potential push back by the Select Board and the Finance Committee. Parsons said a lot of development opportunity is being taken away by eliminating Footnote 11. Anderson noted this is small, mostly personal development and is line with neighborhood character.

3aii. Detached Accessory dwelling unit – Lowe is concerned with the language requiring ADA compliance. He said it is not enforceable by the Building Inspector. Grubbs said the intent was to encourage one floor units. Parsons suggested eliminating the language. No incentive was added for creating an accessible unit.

3aiii. Added language for a detached ADU shall be no greater than 25 ft. in height.

3aiv. Added language that a detached ADU shall not include a garage.

Public Comment: Odile Breton of 9 Soffron Lane commented about the language for accessibility and suggested leaving it out. She said there is no requirement to rent an accessible unit to a person with accessible needs.

Larry Graham, 12 Labor In Vain Road, commented on the 25 ft. height reference to maximum building height and definitions of building height in the bylaw for the Building Inspector to reference. He commented on Article 2 and asked if it is the Board’s intention on infill lots to not have both an accessory building of a 150 sq. ft. and a garage. Parsons said if it is a detached garage, you cannot have both. Graham said it does not read that way and it should be made clear that it is one or the other. Parsons will make clarifying revisions. Anderson suggested that an applicant should be allowed to request a two car attached garage if the applicant reduces the

livable floor area. It is a special permit and the Board has discretion. Graham reminded the Board of the parking space requirements and suggested this section of the article needs more work. Parsons noted the Select Board meets on August 23 and the Finance Committee meets on September 14.

Public Comment: Sarah Perry, 88 Central Street, unit 3, requested continuing the public hearing for additional public comment and potential changes.

Parsons said this is the second night of public hearings and there has not been a lot of public comment. Britt noted additional public comment may be made at the Select Board and Finance Committee meetings. Britt said she is flexible on the garage language for infill lots and agrees with allowing a two car garage if livable floor area is reduced by the applicant.

Anderson moved to amend Article Y as follows: (1) to allow for one accessory building up to a 150 sq. ft. footprint, (2) if it is a garage it may be up to 250 sq. ft. for one car with no habitable space above accessory buildings, (3) if an attached garage is part of the project, it may be up to 250 sq. ft. for one car, however, an applicant may ask for utilization of the floor area to increase the size of the attached garage by reducing the floor area of habitable space and Lowe seconded the motion. The motion passed with 4 votes.

Lowe moved to close the public hearing for Articles X, Y and Z and Anderson seconded. The motion passed with 4 votes.

Lowe moved to recommend Article X as written and Anderson seconded. The motion passed with 4 votes.

Lowe moved to recommend Article Y as discussed and amended and Anderson seconded. The motion passed with 4 votes.

Anderson moved to recommend Article Z as discussed and amended and Westerhoff seconded. The article passed with 3 votes. (Lowe abstained as he was not ready to recommend the article.)

Request by Advanced Precision Engineering for minor modification of approved Special Permit and Site Plan Review for expansion at 14-16 Mitchell Road

Parsons said the applicant requested to continue without discussion.

Lowe moved to continue the request to September 9, 2021 and Anderson seconded. The motion passed with 4 votes yes.

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

Parsons said the hearing was extended through August 6, 2021. He said revised plans were sent to the peer reviewer, Bob Puff. Larry Graham (H.L. Graham & Associates) was present for the applicant. Graham said additional comments were received from the peer reviewer dated July 23, 2021 and additional changes were made primarily to the stormwater management plan based on the peer review comments. Britt asked if sea level rise was taken into account by Graham or the peer reviewer. Graham said no. Britt is concerned about drainage and the low elevation of the site. Graham noted the elevation for building 1 is 18 feet for the addition and building 2 is 19 feet for the first floor and the project is on the high side of Mitchell Road. Graham said the main revision to the plans is infiltration basin two. Sheet three of the site plans was displayed to show the infiltration basins. Graham pointed out basin two, which increased three times in size from the original plan. He described the drainage and noted no overflow even in a 100-year storm. He also pointed out basin one and described drainage and overflows. The buildings are well above elevation 10. He noted the project is out of the resource areas and buffer zones.

Graham asked if elevation renderings prepared by Savoie Nolan Architects, LLC would be acceptable for site plan review. It does not appear that there are elevation issues and the renderings are acceptable.

The Board asked Parsons to draft a decision for the next public hearing. McCarthy Landscaping (tenant on the site) is currently storing materials in the near building three. Britt asked if screening is needed. Graham said no because McCarthy will need to move materials.

Britt noted a feasibility assessment for solar needs to be completed.

Parsons noted a hearing extension is needed and Graham agreed the extension should go to September 30, 2021.

Anderson moved to continue the public hearing to September 9, 2021 and Lowe seconded. The motion passed with 4 votes.

Continued 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 *To be continued at applicant's request*

Parsons stated the Board needs to consider an extension of the Special Permit hearing and suggested extending through September 30, 2021.

Lowe moved to extend the Special Permit to September 30, 2021 and Westerhoff seconded. The motion passed with 4 votes.

Lowe moved to continue the hearing to September 9, 2021 and Westerhoff seconded. The motion passed with 4 votes.

Discuss potential amendments to Planning Board's Special Permit Regulations

The discussion was postponed as Mooradd is absent. Lowe requested the Planning Department provide sources for proposed amendments.

Adopt minutes of June 28, July 15, and July 26, 2021

Lowe moved to accept the June 28, 2021 minutes as discussed and amended and Anderson seconded. The motion passed with 3 votes (Britt, Lowe, Anderson). Westerhoff abstained.

Anderson moved to accept the July 15, 2021 minutes and Westerhoff seconded. The motion passed with 3 votes. Lowe abstained.

Lowe moved to accept the July 26, 2021 minutes and Anderson seconded. The motion passed with 3 votes (Britt, Anderson, Lowe). Westerhoff abstained.

Announcements/New Business

Parsons announced a volunteer from the Planning Board is being requested to participate on the Public Safety Subcommittee. Parsons said it is for a short-term with the focus to provide information for Town Meeting for a new public safety facility.

Adjournment

Lowe moved to adjourn and Westerhoff seconded.

Meeting adjourned at 10:16 PM

Meeting notes taken by: Odile Breton

Accepted on: September 23, 2021