TOWN OF IPSWICH

IPSWICH, MASSACHUSETTS 01938

DEPARTMENT
OF PLANNING
AND DEVELOPMENT
978-356-6607

June 19, 2018

Chairman Gambale and Members of the Zoning Board of Appeals,

I am writing in response to your request for comments from the Planning Division of the Department of Planning and Development relative to the Comprehensive Permit Application for the project at 36-44 Essex Road. As you may be aware the Department of Planning and Development assisted the Select Board with drafting the Board's responses to the Massachusetts Housing Partnership relative to the 36 Essex Road Limited Partnership's Project Eligibility Application. While the content of those letters was related to the Eligibility Application, I hereby attach and reiterate those comments as in my opinion they are germane to the subject Comprehensive Permit Application.

After reviewing the Comprehensive Permit Application I have the following additional comments and recommendations:

1. The site plans are not stamped by a Professional Land Surveyor licensed in the Commonwealth of Massachusetts, which raises questions about parcel boundary lines, ownership, dimensions, and other critical information that is fundamental in order for this application to be deemed complete and ready for review. *I recommend that you defer discussion without first obtaining stamped and signed site plans.*

2. The Applicant has not indicated dimensions of Lot H after changing lot lines. I recommend that you require the Applicant to demonstrate how proposed parcel line changes will affect the conformance of Lot H to the Zoning Bylaw and any special permits or other decisions relative to the uses or dimensions of that lot.

3. The Applicant has requested a waiver from review by the Design Review Board. Design review is required for multifamily dwellings and developments other than Comprehensive Permit applications. The Design Review Board is an advisory board only. Their advice would significantly benefit your board, the development and the Town. Accordingly, I recommend that you require the Applicant to present the request to the Design Review Board for a recommendation and obtain additional recommendations if substantive changes are made as a result of your review.

4. If the application changes as a result of your review process, Staff may need to reevaluate their comments. I would like to review plans stamped and signed by a licensed land surveyor. Further, as the review progresses Staff may discover additional items to bring to your attention. I recommend that your board consider creating a subcommittee and requesting Staff form a development review team for this application.

Please let me know if I may be of further assistance,

Ethan Parsons

Ethan Parsons, AICP
Senior Planner

ZONING BOARD OF APPEALS
JUN 19 RECD
2018

Rodgers, Marie

From: Parow, Jack <jparow@ipswichfire.org>
Sent: Monday, June 18, 2018 2:49 PM
To: 'Rodgers, Marie'
Cc: Cronin, Sean; Theriault, Deputy Chief Andy
Subject: RE: ZBA Comprehensive Permit application for Essex Pastures

Marie, we have reviewed the Comprehensive Permit application for Essex Pastures and the only concerns the Fire Department has is that they maintain adequate access for Fire Apparatus around the buildings including proper turn radiuses and I find the placement of the maintenance building a little odd because it creates a dead-end around the back side of that building, which in most cases should be avoided. Chief Parow

Fire Chief Jack Parow
Ipswich Fire Department
55 Central Street
Ipswich, MA 01938
978-356-6627
jparow@ipswichfire.org

ZONING BOARD OF APPEALS
JUN 18 RECD
2018

Rodgers, Marie

From: Parow, Jack <jparow@ipswichfire.org>
Sent: Monday, June 18, 2018 2:49 PM
To: 'Rodgers, Marie'
Cc: Cronin, Sean; Theriault, Deputy Chief Andy
Subject: RE: ZBA Comprehensive Permit application for Essex Pastures

Marie, we have reviewed the Comprehensive Permit application for Essex Pastures and the only concerns the Fire Department has is that they maintain adequate access for Fire Apparatus around the buildings including proper turn radiuses and I find the placement of the maintenance building a little odd because it creates a dead-end around the back side of that building, which in most cases should be avoided. Chief Parow

Fire Chief Jack Parow
Ipswich Fire Department
55 Central Street
Ipswich, MA 01938
978-356-6627
jparow@ipswichfire.org

ZONING BOARD OF APPEALS
JUN 18 REC'D
2018

From: Rodgers, Marie [mailto:marier@ipswich-ma.gov]
Sent: Wednesday, May 30, 2018 12:23 PM
To: tm@ipswich-ma.gov; selectmen@ipswich-ma.gov; davidf@ipswich-ma.gov; terrya@ipswich-ma.gov; aliciag@ipswich-ma.gov; jhubbard@ipswichpolice.org; jblair@ipswichutilities.org; firechief@ipswichfire.org; glenng@ipswich-ma.gov; ethanp@ipswich-ma.gov; p2nikas@ipswichpolice.org; colleenf@ipswich-ma.gov; rickc@ipswich-ma.gov; frankv@ipswich-ma.gov; VHalmen@ipswichutilities.org
Subject: ZBA Comprehensive Permit application for Essex Pastures

All,

Please find the electronic version of the application for Comprehensive Permit application for Essex Pastures on the Town's website under the Zoning Office.

Please do not hesitate to contact me with any questions you may have regarding this process.

Thank you-
~Marie

P.S .please excuse if this is a repeat and if you have already submitted comments please disregard this message.

Marie Rodgers
Administrative Assistant
Zoning Board of Appeals
Ipswich Town Hall
25 Green Street
Ipswich, MA 01938
978-356-6672

TOWN OF IPSWICH
UTILITIES DEPARTMENT

272 HIGH STREET • IPSWICH, MA 01938 • (978) 356-6635 • FAX: (978) 356-6634

June 14, 2018

Ipswich Zoning Board of Appeals
Robert Gamable, Chair
25 Green Street
Ipswich, MA 01938

Dear Mr. Gambale,

Thank you for the opportunity to comment on the Essex Pastures Comprehensive 40B Permit. The Water and Wastewater Department previously submitted comments on the Project Eligibility Application through the Planning Department in March of 2017. These comments identified several gaps in the information provided relating to anticipated water use and sewer flow, which could have significant impacts on the Town's existing systems given the large scale of the project. After review of the May 2018 Comprehensive Permit we find that our initial concerns have yet to be addressed.

Specific concerns and comments that remain to be addressed include:

- The reduced set of plans provided was difficult to review. Full size plans with sufficient detail of the utilities are required to conduct a proper review.

- There are no details on how the development will achieve water use efficiencies beyond a sentence on Page 23 that reads: "A super-insulated and air-tight envelope will help to reduce overall building energy use and fixtures and systems will emphasize energy and water efficiency." Conditions should be imposed to require specific water efficiency benchmarks be met.

- No detail is provided on water needs for irrigating the expansive landscape. A sentence on Page 23 reads: "All landscaping is intended to be low maintenance, drought tolerant and primarily native while providing seasonal interest throughout the year and minimizing water demand." Conditions should be imposed to ensure that drought tolerant plants are used. Estimated water demand for irrigation should be provided.

- Domestic water use and sewer flow estimates have not been provided. Absent estimates from the applicant, we have done preliminary calculations utilizing Title 5 flow standards. Our analysis results in 15 million gallons per year (MGY) of sewer flow and 18-20 MGY of water use. Using these figures, this development would bring the Town 5% closer to our DEP Water Management Act (WMA) water withdrawal permit limit, to 93% of our total authorization. Additionally, water demand is increasingly difficult for the Town to meet given source restrictions due to elevated Manganese levels and more frequent and severe drought conditions. Conditions should be imposed to require the calculation of domestic water use and sewer flow.

- In 2004 the ZBA required an independent review of the impacts Powder House Village would have to the town water and sewer systems (performed by Metcalf & Eddy). I would request a similar evaluation be performed due to the large scale of this project.

- With these significant concerns over potential impacts to the water system and no mechanism to hold the applicant to any water use standard, conditions requiring mitigation to offset the increase in water use are appropriate.

- There are concerns over potential impacts to the sewer system, and specifically the Town's ability to adequately transport the added sewer flows. All sewage from customers south of the Ipswich River, including this development, flows through a single (siphon) pipe across the river. This pipe is 60+ years old, recently discovered to be exposed in the river bed and has a history of blockages.

- Waivers of water and sewer connection fees are requested. These should not be allowed. This development is expected to have a significant impact on the water and sewer systems and the requirement of fees associated with it is reasonable. The fees also cover department staff to perform inspections of water and sewer service connections.

- State and local water and sewer regulations must be adhered to. All water and sewer improvements are subject to review and approval of the Water and Wastewater Department and the state, as required.

- The sewer system must remain private. The Town will not take responsibility of the sewer pump station or piping.

Finally, we would like to call attention to the February 21, 2018 Massachusetts Housing Partnership letter to the applicant which states on Page 3:

> "MHP expects that the Town of Ipswich's concerns regarding project impacts on water and sewer capacity; traffic impacts; wetland impacts; stormwater management; electircal service; and the desired name for the Project will be addressed during the Comprehensive Permit process."

The concerns of the Water and Wastewater Department have not been adequately addressed by the applicant, to date. It is imperative that the Board require these concerns be addressed to the satisfaction of the Town.

We appreciate the opportunity to comment and look forward to working with the applicant and the Board to resolve these critical issues. Please feel free to contace me with any questions or concerns. I can be reached at 978-356-6635 ext. 2108 or vhalmen@ipswichutilities.org.

Sincerely,

Vicki Halmen
Water & Wastewater Director

CC: Ipswich Town Manager
Ipswich Planning Department

Rodgers, Marie

From: Geilen, Alicia <aliciag@ipswich-ma.gov>
Sent: Thursday, June 14, 2018 4:12 PM
To: 'Rodgers, Marie'
Cc: Parsons, Ethan; Geilen, Alicia
Subject: RE: ZBA Comprehensive Permit application for Essex Pastures

Marie,

Below are my comments on the proposed 40B development for Essex Pastures. The vast majority of the development is outside of the Commission jurisdiction, so my comments are limited to work within 100' of wetlands, plus stormwater for the entire site, as noted below.

1. Wetland Line: The wetland line shown on the plan is good until 11/21/20, as they received a 3 year extension.
2. Wetland Setbacks – General: There is no Limit of Work shown. Although 40B projects are not required to meet the local wetland Bylaw's 50' No-Disturbance Zone and additional 15' No-Build Zone, the MA Wetlands Protection Act (WPA) does allow the Commission to require the preservation and/or creation of a natural vegetative buffer (a "Zone of Natural Vegetation" or ZNV) between development and wetlands. "310 CMR 10.53: General Provisions (RE Bordering Vegetated Wetlands) (1)… For work in the Buffer Zone … the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. The potential for adverse impacts to Resource Areas from work in the Buffer Zone may increase with the extent of the work and the proximity to the Resource Area. ... The Issuing Authority may require … the preservation of natural vegetation adjacent to the Resource Area and/or other measures commensurate with the scope and location of the work within the Buffer Zone to protect the interests of M.G.L. c. 131, § 40. Where a Buffer Zone has already been developed, the Issuing Authority may consider the extent of existing development in its review of subsequent proposed work and, where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interests of M.G.L. c. 131, § 40." Past experience, especially at 40B projects, has made it very clear that a minimum 25' ZNV and additional 15' setback for structures is needed to ensure no adverse impacts to wetlands. Structures include parking areas, sidewalks, decks, patios, roads, and stormwater ponds. The Commission may allow grading for a stormwater pond to be less than 40' from wetlands, but I would recommend a firm minimum 20' ZNV for all activities, including grading for stormwater. There should be a permanent post and rail fence with appropriate signage ("No Disturbance Beyond This Point") along the entire limit of work in Conservation jurisdiction to ensure that there are no future encroachments into the ZNV.
3. Buildings: All buildings appear to be located greater than 40' from wetlands, which the Commission will find desirable. However, there are no decks or patios shown. This information is needed to ensure the proper setback from wetlands.
4. Roadways and parking: All roadways and parking appear to be located greater than 40' from wetlands, with the exception of 4 parking spaces near the duplex units. These spaces should be pulled back or removed.
5. Stormwater Management (SWM): Additional design details will be required to determine if the SWM system meets the WPA requirements. These include, but are not limited to run-off calculations, elevation of seasonal high groundwater table, SWM treatment efficiencies, an Operations & Maintenance Plan, etc. (NOTE: SWM for the entire site is under the jurisdiction of the Conservation Commission, since the outfall is in their jurisdiction.) A peer review of SWM plans/calculations will be needed. Test pits in the areas where stormwater will be infiltrated are required. Grading is proposed to within a few feet of wetlands (see above Wetland Setbacks). In addition, the SWM outfalls discharge too close to wetlands. All outfalls should be at least 20' from wetlands. Direct discharge into a wetland, which is proposed in one location, is prohibited, per the WPA regulations. The existing SWM outfall should also be pulled back, as it will be handling a larger volume than it currently does. Paving near all catch basins should be stenciled with "do not dump – drains to wetlands" or similar.

6. Snow Storage: No snow storage areas are shown. In particular, the Commission mandate prohibition of snow storage in SWM units or near wetlands. If snow will be hauled off site, that should be specified.
7. Erosion and sedimentation control: No temporary erosion controls are noted. No stockpile locations are noted. All stockpiles of erodible materials should be outside of Conservation jurisdiction.
8. Planting/Landscaping Plan: All plants in Conservation jurisdiction must be true native varieties (not native cultivars), and be native to Essex County, MA.
9. Dumpsters: All dumpsters should be located outside of Conservation jurisdiction, and their runoff directed to a SWM unit.
10. Protection of Public Water Supply: The Commission has, as one of the interests it protects under the WPA, public water supply. Such a large residential development will result in a large increase in public water usage, possibly burdening an already overburdened water supply system. Water conservation measure should be mandated. The Commission should make a determination as to whether the project will adversely impact that interest.

I hope the ZBA finds this information useful.

Best,

Alicia

Alicia K. Geilen, CEP
Conservation Administrator . Town of Ipswich . 25 Green Street, Ipswich, MA 01938 . 978-356-6661

Please note the Massachusetts Secretary of State's office has determined that most emails to and from municipal offices and officials are public records. For more information please refer to: http://www.sec.state.ma.us/pre/preidx.htm. Please consider the environment before printing this email.

From: Rodgers, Marie [mailto:marier@ipswich-ma.gov]
Sent: Wednesday, May 30, 2018 12:23 PM
To: tm@ipswich-ma.gov; selectmen@ipswich-ma.gov; davidf@ipswich-ma.gov; terrya@ipswich-ma.gov; aliciag@ipswich-ma.gov; jhubbard@ipswichpolice.org; jblair@ipswichutilities.org; firechief@ipswichfire.org; glenng@ipswich-ma.gov; ethanp@ipswich-ma.gov; p2nikas@ipswichpolice.org; colleenf@ipswich-ma.gov; rickc@ipswich-ma.gov; frankv@ipswich-ma.gov; VHalmen@ipswichutilities.org
Subject: ZBA Comprehensive Permit application for Essex Pastures

All,

Please find the electronic version of the application for Comprehensive Permit application for Essex Pastures on the Town's website under the Zoning Office.

Please do not hesitate to contact me with any questions you may have regarding this process.

Thank you-
~Marie

P.S .please excuse if this is a repeat and if you have already submitted comments please disregard this message.

Marie Rodgers
Administrative Assistant
Zoning Board of Appeals
Ipswich Town Hall
25 Green Street

June 7, 2018

ESSEX PASTURES CONCERNS

Project sits within 2 zoning designations, RRA and HB

Zoning designation "HB" limits overall building height at 45'

Zoning designation "RRA" limits over all building height at 37'

Building heights for the 3 story garden style apartments come in at 39'+/-.

Building heights for the 4 story Garden style apartments come in at 49'1", both exceed Ipswich bylaws for height & stories.

Building heights for Townhomes come in at 40'+/- with ground floor being garage, family room and laundry; with 2 ½ stories above.

Chapter VI section G, address building heights per Ipswich Zoning Bylaws.

Preconstruction elevation certifications would be prudent.

These height issues are noted in chapter 5, "Waivers" page 17 of applicant's submission.

TOWN OF IPSWICH
MASSACHUSETTS 01938
David Fuller, CBO
Building Commissioner/ Zoning Enforcement

Tel: (978) 356-6605 Ext. 2
Fax: (978) 356-6680
davidf@ipswich-ma.gov
www.ipswichma.gov

25 Green Street
Ipswich, MA 01938

ZONING BOARD OF APPEALS
JUN 18 REC'D
2018

IPSWICH ELECTRIC LIGHT DEPARTMENT

MEMORANDUM

272 HIGH STREET • IPSWICH, MA 01938 • (978) 356-6635 • WWW.IPSWICHUTILITIES.ORG

To: Zoning Board of Appeals, Town of Ipswich

From: Electric Light Manager, Ipswich Electric Light Department

Subject: Essex Pastures 40B Project, Essex Road

Date: 5/25/2018

In order to fully support the proposed Essex Pastures project on Essex Road, the Ipswich Electric Light Department (ELD) requires more information about the electrical utilities intended for the complex. Specifically, some of our questions include:

- What are the anticipated electrical loads?
- Will there be any large electrical loads (e.g. elevators) in any of the units?
- Will the hot water heaters and clothes dryers be natural gas or electric?
- What type of HVAC system is intended; have air source heat pumps been considered?
- Will the development cooperate in a voluntary load shedding program?
- Will electric vehicle chargers installed; if so, where will they be located?
- Where will the transformers, hand holes, and meter panels be located?
- Will the roof space be made ready for solar panels?
- What is the plan for streetlights and area lighting, regarding type and location?
- Will there be backup generators on the property?
- Is there critical infrastructure (e.g. sprinkler system pump) that requires electrical power?

The three-phase circuit that feeds several, large, commercial customers will be impacted by this project. In order to maintain reliability, the conductor will have to be replaced. Additionally, several poles will require relocation and new switches should be installed.

If it is intended for the ELD to assume care, custody and control of the electrical system, it must be built in accordance with Department specifications. These are accessible in the policy handbook, which is available at ipswichutilities.org.

We recommend that significant thought be given to the environmental sustainability of this project. The ELD can work with developers to incorporate cost saving opportunities that align with our sustainability goals, including energy conservation, efficiency, and load management. Some rebates and incentives are available through our partners at the Massachusetts Municipal Wholesale Electric Company (MMWEC), via their Green Opportunity (GO) and/or Home Energy Loss Prevention (HELPs) programs. However, there may be additional incentives considered by the ELD. We encourage the project developers to discuss these opportunities with us as the project moves forward.

Ultimately, the electrical system will be able to assume the expected load from this new development; therefore, the ELD sees nothing prohibitive about it. However, in order to avoid service conflicts and delays, we need more information to be provided before construction begins.

ZONING BOARD OF APPEALS
JUN 18 REC'D
2018

NOTICE
APPLICATION FOR A COMPREHENSIVE PERMIT PURSUANT TO CH 40B

May 14, 2018

Town Manager/ Board of Selectmen
Planning Division/Conservation Commission (electronic copies to Housing Partnership and DRB)
Department of Code Enforcement
Public Health Department
Department of Public Safety
Utilities: Electric and Wastewater Management
Department of Public Works
Fire Department

RE: **36 Essex Road Limited Partnership, John J. Bruni Managing Partner** requests Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct one hundred ninety-four (194) residential rental units, of which forty-nine (49) units would be affordable to households at eighty-percent (80%) of median income at 26 Essex Road (54A/14A); 36 Essex Road 54C/22); 38 Essex Road 54C/22A; 42 Essex Road (54C/23); and 44 Essex Road (54C/24).

Please review and provide the Zoning Board of Appeals your comments and recommendations regarding impacts of the proposed housing on safety, health, design, planning, environment, and other local concerns. Each Department has expertise and knowledge that offers support to the ZBA's process, in producing a comprehensive and sound decision.

Please review the attached 40B proposal located at 26 Essex Road (54A/14A); **36 Essex Road** 54C/22); **38 Essex Road** 54C/22A; **42 Essex Road** (54C/23); and **44 Essex Road** (54C/24) and submit your comments to the Zoning Office, Town Hall Attn: Marie Rodgers or electronically to marier@ipswich-ma.gov

Thank you.

Bob Gambale, Chairman
Zoning Board of Appeals

Please note **lack of response** infers agreement with the proposal.

Please check a box, and return this page to ZBA office.

☐ comments submitted on ___/___/18 ☑ no comments

RECEIVED
MAY 2018
IPSWICH BOARD OF HEALTH

Director of Public Health

TOWN OF IPSWICH
Board of Selectmen
25 Green Street
IPSWICH, MASSACHUSETTS 01938

William M. Craft, Chairman
Linda D. Alexson
William D. Whitmore
Nishan D. Mootafian
Edward B. Rauscher

p: (978) 356-6604
f: (978) 356-6616
e: selectmen@ipswich-ma.gov
w: www.ipswichma.gov

January 16, 2018

Katharine Lacy
Senior Project Manager
Massachusetts Housing Partnership
160 Federal Street
Boston, Massachusetts 02110

RE: *Essex Pastures 40B*, 28-44 Essex Road, Ipswich, Response to December 19, 2017 Update

Dear Ms. Lacy:

On behalf of the Ipswich Board of Selectmen, I am writing to thank you for the opportunity to review the updated eligibility application re-submitted to you by the 36 Essex Road Limited Partnership. While we are pleased that the Mass Housing Partnership directed the Applicant to revise his initial application (which we commented upon in our May 1, 2017 letter), we are deeply disappointed that the revised application fails to substantively address our two greatest concerns about the project; i.e., the proposed affordable rental rates do not adequately meet the needs of our low to moderate-income population, and the development's proposed massing, size, height, lot coverage, extent of impervious surfaces, and impact on environmental resources and density are significantly greater than that of other residential development in Ipswich, and thus adversely affects both the character and the environment of the Town.

As noted in our 5/1/17 letter, the proposed affordable rents (which have **increased** since the initial application) are comparable to current **market** rents in Ipswich. To remedy this problem, we urged the Partnership to require that the affordable dwelling units be affordable to households at 50% AMI, which would allow the Applicant to provide only 20% of the units as affordable rather than 25%. We do not make this request as a back-handed attempt to reduce the number of affordable units in the development; the Town has a long and distinguished record of creating and preserving affordable housing for our citizens. But we want **actual** affordable housing units, not units that are "affordable" in name only. That is why, since 2004, we have required rental affordability to meet the needs of households at 50% AMI, rather than 80% that the Applicant continues to propose.

The Applicant's proposed solution to the inappropriateness of the project's scale, massing, height, density, etc., is to transfer an acre from the adjacent commercial property, add some minimal landscaping along the property's eastern boundary, and slightly reduce the building width and roof pitch. Shifting the ownership of the open space behind the commercial buildings from one of the

Applicant's legal entities to another provides no actual benefit or mitigation of the project's impacts on abutters. Meanwhile, the number of buildings and total dwelling units is unchanged, and the site layout is largely the same. Also, there are still more than 300 parking spaces proposed on a tremendous area of impervious surface, with no internal landscaping to soften its impact.

From a conservation perspective, the proposed site revisions are a step backwards. Although two direct stormwater discharges to the wetlands were removed, there are new and substantial impacts within the one hundred foot buffer zone. The original site plan generally maintained a fifty foot no-disturb zone, and except for the aforementioned discharges, proposed only one area of proposed work within fifty feet of wetlands. In stark contrast, the revised plan proposes three discharges within five feet of wetlands, another within ten feet of wetlands, and two discharge ponds within fifteen feet of wetlands (with grading for those ponds as close as five feet from wetlands). The revised plan also increases the number of residential units in the Conservation Commission's jurisdiction and reduces their setback from wetlands.

The application omits critical utility demand data, especially water, without which we are unable to gauge the potential impacts of the project. Even though conservation efforts will be important and must be stressed, it is the upfront, unvarnished estimates of demand that will be most telling in determining the Town's capacity to adequately support this project. As it now stands, the size of the proposed project is so great that we urge you to require additional data, and allow the Town utility departments to consider it, before allowing the proponent to seek a comprehensive permit.

As evidence of the Town's continuing efforts to create and maintain affordable housing in our community, since May 1st three new long-term affordable units were built within multifamily developments, per our inclusionary housing requirements. Also, in November, our Town Meeting adopted a zoning amendment that considerably expanded a provision allowing the creation of "infill" lots in our Intown Residential District. This modification, which has already engendered two applications, will enable the creation of more moderately priced homes on small, in-town lots, while also adding funds to our Affordable Housing Trust Fund.

In closing, the minimal revisions to the project's eligibility application site plan fall way short of addressing the issues we identified in our initial comment letter, and which we have reiterated here. Insofar as the proponent has failed to address the concerns of the Board of Selectmen as expressed in our initial letter, we ask that you reject the application.

Sincerely,

William M. Craft, Chairman
Board of Selectmen

TOWN OF IPSWICH

Board of Selectmen

25 Green Street
IPSWICH, MASSACHUSETTS 01938

Edward B. Rauscher, Chairman
Charles D. Surpitski, Vice-Chairman
William M. Craft
Nishan D. Mootafian
Judy A. Field

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e: selectmen@ipswich-ma.gov
w: www.ipswichma.gov

May 1, 2017

Laura F. Shufelt
Community Assistance Manager
Massachusetts Housing Partnership
160 Federal Street
Boston, Massachusetts 02110

RE: *The Residences at Essex Pasture*, 28-44 Essex Road, Ipswich, 40B Project Eligibility Response

Dear Ms. Shufelt:

On behalf of the Ipswich Board of Selectmen, I am writing to inform you that we have received your letter of March 15, 2017, requesting comment on a 40B Project Eligibility application submitted to the Massachusetts Housing Partnership by 36 Essex Road Limited Partnership for a proposed 194-unit development at 28-44 Essex Road. This letter serves as our response. In preparing it, we sought input from Town boards and committees, staff, and the general public; we were also informed by the March 29 site visit attended by Town officials and staff. The Board of Selectmen discussed the project at its April 18 and May 1, 2017 meetings. A petition in opposition of the project was submitted to the Board of Selectmen and is attached to this letter. The Board also received many emails in opposition of the project.

As you know, the Town has long considered the property at 28-36 Essex Road to be an appropriate location for multi-family development. This is reflected by the property's inclusion in *Table 3-4: Parcels Potentially Suitable for Developments with Affordable Units* of Ipswich's 2006 *Town of Ipswich Affordable Housing Plan for Planned Production Regulation.* As such, we would support a 40B development on this site that provides true affordability to the residents of Ipswich and others, and provides housing that is appropriately scaled relative to massing, size, height, lot coverage and density. Unfortunately, the proposed development, as submitted, meets neither objective, and thus we cannot support it. Specifically, we oppose the current development proposal because: 1) it does not provide meaningful affordable housing opportunities based on the Ipswich housing market, as we demonstrate below; and 2) the subject property and the surrounding neighborhood is not appropriate for the scale of the proposed project with respect to the number of units, size/massing of buildings, extent of impervious surface, impact on environmental resources, and integration into existing development patterns.

1. Affordability

As noted by the Ipswich Housing Partnership, the proposed 40B at 28-44 Essex Road does not adequately address the needs of the low to moderate-income population in Ipswich. There is clearly a need for additional rental units in town that can be rented at a rent demonstrably lower than the market rate. Setting the rents based on 30% of income for a household at 70% of Area Median Income (AMI) does not, however, meet this need, as those rents are essentially on par with market-level rents here in Ipswich.

A recent study conducted by the Department of Planning & Development of existing rental properties in Ipswich (see attachment 1) indicates that representative market rents are as follows:

1 bedroom units: $1,100-1,495
2 bedroom units: $1,295-1,600
3 bedroom units: $1,700-1,800

If we compare representative market rents for existing two-bedroom dwelling units in town with the rent limit for the proposed two-bedroom apartments at Essex Pastures based on the 70% affordable standard, we find that there is near parity (more than two-thirds of the proposed units at Essex Pastures are two-bedroom units). In one of the largest rental developments (100-101 Colonial Drive, which contains 100 dwelling units) the market rents are all **lower** than the Essex Pastures "affordable" rent limit.

This lack of meaningful distinction in rental rates between the Ipswich market and "affordable" rents based on the Boston-Cambridge-Quincy SMSA (within which Ipswich is located) has existed for many years. To address this issue, the Ipswich Special Town Meeting in 2006* changed the affordability requirement for rental units in the zoning bylaw from 70% to 60% AMI for income qualifications, and from 70% to 50% for rent limits.

2. Inappropriate Scale

The subject property is located, in substantial part, within the Highway Business (HB) District, which allows multi-family residential use as well as mixed commercial/residential use. Based on the land area that lies within the HB District, the zoning bylaw would allow up to 83 multi-family dwelling units (10% of which would have to be affordable) on the property. Thus, in adopting the Town's zoning regulations, Town Meeting has established that the property can likely accommodate a development of that size. The proposed Essex Pastures 40B would have **well more than two times** as many dwelling units. To achieve that level of density, the developer is proposing a scale of development that overwhelms the site and is problematic in more than one respect, including:

- **Lack of sufficient buffers, landscaping and open space**

To accommodate the proposed units, driveways and parking areas, the site plan excludes components that would help mitigate the project's impacts. The building and parking layout extends to within a few feet of the north and east property lines, leaving virtually no room for a vegetative buffer between the development and the abutting properties. There is also no meaningful landscaping within the large expanses of surface parking to soften its visual impact, and virtually no open space to provide playgrounds, gathering areas, and areas for outdoor activities.

- **Inadequate integration of proposed development into existing development pattern**

The residential properties east and northeast of the subject property are almost exclusively single-family homes. Several are immediately adjacent to the proposed development, which includes three, 4-story buildings on the northern and easterly portions of the site, each measuring 58 feet in height to the roof ridge, about twice the height of the surrounding residences. Besides being higher than the buildings in the surrounding neighborhood, the proposed four-story buildings are significantly higher than virtually every building in Ipswich, with the exception of a handful of mixed residential buildings in the downtown.

*The change was pursued after the developer of a nine-unit multi-family building met Ipswich's affordability requirement by creating a permanently restricted unit that was added to the SHI by submission of a LIP application. The unit was rented to an income-eligible household, in compliance with LIP requirements, at the identical monthly rent as the buildings' market units. Because of the zoning change initiated in response, restricted affordable rental units in Ipswich rent at a lower rate than market units. This would not be the case for the Essex Pastures 40B if the units were rented to households earning 70% of the median income, as currently proposed.

As noted in Section IV.A.3.b of DHCD's 40B Guidelines, a 40B project is often *"developed in the context of single family dwellings and introduces a different form of housing into the neighborhood. Assuming that this is the case, it is important to mitigate the height and scale of the buildings to adjoining sites. In this context, it is particularly important to consider the predominant building types, setbacks, and roof lines of the existing context."* The guidelines go on to discuss ways to achieve this mitigation, including modulating the massing and providing landscaped buffers. There is no evidence in the submitted materials that any mitigation of this type has been employed or even attempted. As a result, the development as proposed would be seriously detrimental to abutting properties with respect to light pollution, privacy, noise, and other aspects of the general welfare.

3. New or Modified Proposal

Given the magnitude of the deficiencies in the current eligibility application, we recommend that you reject it, reject it and require the submittal of a new and significantly modified proposal, or defer a decision on the applicant's proposal until it has been substantially modified. Regardless of which approach you take, we urge you to direct the applicant to make changes that would achieve the following:

1. To ensure that the proposed 40B effectively addresses the housing needs of the community, the below market units in the development should be affordable to households earning 50% of Area Median Income development (60% AMI for income qualification). We recognize that at this affordability level, under 40B regulations, the developer would only be required to provide 20% of the total units at below market rates, rather than the 25% that is currently proposed. While this is acceptable to the Town as a minimum, we would be more supportive of the modified proposal if it contained a greater number of 50% AMI units, or a tier of 60% AMI units.

2. Mitigate the incompatibility and adverse visual impact of the proposed four-story apartment buildings by reducing them to no more than three-story buildings with a maximum height of 45 feet, which is the maximum height permitted in Ipswich's zoning bylaw.

3. Mitigate the excessive amount of impervious surface and the lack of area for landscaping, outdoor play areas, vegetative buffer and open space, by removing at least one of the proposed apartment buildings in the development and redesigning the site layout using the area gained by its elimination.

The implementation of changes 2 and 3 above would serve to reduce the total density and thus provide an opportunity to address other Town concerns about the project. For example, lesser density would reduce the number of required parking spaces, thus allowing for a more a robust buffer between the development and abutting properties, as well as more landscaping and open space on-site that could be used for outdoor play areas, places to congregate, barbecue, and enjoy the property.

4. Additional Comments and Questions

We recognize that the focus of MHP at this stage in the 40B process is primarily on whether the project as proposed meets the objectives of the 40B statute sufficiently to gain your authorization for it to proceed through the local approval process. As such, many of the comments and questions provided below are perhaps best considered by the ZBA if and when the project advances to that stage of the review process. Still, we thought it would be useful for both the applicant and MHP to be aware of various concerns, questions and expectations the Town will raise and discuss at that time. They include the following:

- The Town is concerned about the sewer flows that would be generated by this development. All sewage from customers south of the Ipswich River flows through a single pipe across the river that is over 60 years old. The pipe has a history of blockages, and was recently discovered to be exposed in the riverbed. Given the large scale of this project and its projected impacts, the Town will request that the developer provide an independent review of the proposed project's impact on the municipal sewer and water systems.

- Like many other communities in Massachusetts, Ipswich experienced water emergency conditions during 2016, which required the Town to impose substantial water restrictions from June through the end of the year. Even in the absence of drought, meeting the water demands of Ipswich's residents and businesses is an annual challenge, due in large part to water withdrawal limits placed on the Town by the Commonwealth. A project of the scale proposed, even if it is reduced by a third in size as recommended, will demand a significant amount of water. Accordingly, the Town will require the developer to:
    - Provide water and sewer flow estimates. By using the Title V flow standard of 110 gal/bedroom/day, we can estimate 15 million gallons/year of sewer flow as a rough basis for water demand. This estimate, however, does not include irrigation purposes. Depending on the extent of irrigation demand, water use could increase to 18-20 million gallons per year. Until estimated flows can be provided these figures will be used to compare to Water Management Act (WMA) permit limits. The estimated demand would bring the Town from 88% of our WMA authorization to 93%. This authorization is increasingly difficult to achieve given restrictions due to Manganese and the likelihood of further drought conditions.
    - Implement every possible water conservation measure. There is no evidence that the applicant has employed low impact development techniques to improve water quality, promote water conservation, or conserve other resources. To meet sustainable development objectives of the Smart Growth Criteria Scorecard, the applicant should incorporate water conservation measures into the development, both on the site and within the units. On-site conservation measures should include using native, drought tolerant plants and cisterns or other on-site recharged water storage systems for irrigation. The landscaping narrative does not provide details on the use of drought tolerant plantings or the site's irrigation needs.
- Because of the significant amount of wetlands on the site, the Town strongly encourages the applicant to work closely with the Conservation Commission throughout the comprehensive permit review process. The current plan shows stormwater directly discharging into wetlands, which is not permitted by the Wetlands Protection Act. This will need to be addressed by the applicant.
- The Town Electric Light Department will require information about the applicant's electrical needs and proposed energy conservation measures at the time of his submittal to the ZBA. This will include receiving answers to the following questions: Will the system be overhead or underground? Will it be privately maintained? What are the anticipated electrical loads? Will hot water heaters and clothes dryers be natural gas or electric? Where will transformers and meter panels be placed? Will the buildings be constructed to meet the stretch energy code? The Light Department encourages the installation of solar panels (preferably) or siting the buildings to take advantage of solar energy, or both.
- The applicant's Traffic Study Executive Summary indicates that on a typical weekday the development is expected to generate 1,300 daily vehicle trips. We are very concerned about the impact this additional traffic will have on the County Road and Essex Road intersection (which the applicant's traffic consultant projects to operate at a level of service F during peak morning and evening weekday travel periods, with or without the project), as well as on intersecting streets in the project area. The ZBA will hold the proponent to his commitment, provided in the executive summary, to monitor this intersection and commit to providing design plans for signalization of the intersection if the resulting level of service is poor as a result of the project. Further, the proponent proposes to implement a Transportation Demand Management Plan to reduce overall traffic impacts. This will be critical. The ZBA, as a condition of any permit approval, is likely to require full compliance with the management and mitigation proposed in the proponent's Traffic Study.
- The site plan will need to identify snow storage areas to be used during winter storm events.

- To facilitate its projections for annual enrollment in the Ipswich school system, as well as assess the impact of the development on the school district, the School Committee requests that the applicant provide, as part of his submittal to the ZBA, an estimate of the number of school children that will occupy the development.
- As part of his ZBA submittal, the applicant should provide a comprehensive stormwater management plan, as well as a photometric plan to allow the ZBA to evaluate the impact of proposed site lighting.
- To address the housing needs of Ipswich residents, including Town and school district employees, the Town would like the applicant to commit to providing local preference for some percentage of the dwelling units, preferably 70%.
- The Town has two large residential developments which include the phrase "The Residences at" in their name: "The Residences at Turner Hill" and "The Residences at Riverbend." The latter is located ½ mile from the proposed "The Residences at Essex Pasture." Public safety officials are concerned that including the phrase in another development, especially to one so close to the "The Residences at Riverbend," could potentially cause confusion for personnel responding to emergency calls. As such, the Town would like the applicant to remove the phrase "The Residences at" from the name of his proposed development.
- The project does not appear to promote clean energy. The applicant should consider utilizing all electric energy, designing for passive solar gain and utilizing solar panels.
- The majority of the proposed open space, besides green strips around parking areas and buildings, is either open stormwater retention basins or wetlands and wetland buffer zones. It is imperative that new projects are environmentally and aesthetically compatible with the Town's existing landscape.
- The site is categorized as having prime farmland soils and was used within the past few years for agricultural purposes. As such, the applicant should consider creating a community garden within the property's open space for use by the tenants.

Ipswich's Efforts to Create Affordable Housing and Facilitate Smart Growth

The Town of Ipswich has long supported the preservation and development of affordable housing. The Town regards Chapter 40B as an effective tool and in many instances has welcomed its use. The Town's current percentage of permanent affordable housing, 8.6%, is substantially higher than that of most of our neighboring communities. Over the years the Town has approved more than ten 40B projects, including: a 70-unit elderly affordable housing project in the early 1980s; a 48-unit rental housing project approved in 2001; a 100% affordable, 48-unit rental housing development in 2004; a 36-unit for sale development in 2005; and a 15-unit rental development in 2006. A 40-unit for-sale 40B development, which has recently been found eligible by MassHousing to submit a comprehensive permit application to the ZBA, submitted its application on April 25th.

In addition to 40B projects, the Town over the past twenty years has taken a variety of steps to increase affordable housing supply in the community. These include:

- Adoption of an inclusionary housing zoning regulation that requires that all multifamily housing projects creating fewer than ten units to either make a payment of $10K per unit to the Affordable Housing Trust or make a unit affordable. For multifamily projects that create ten or more units the developer is required to make one unit affordable for the first ten units and then either make the payment or provide a unit for the additional fractional units.
- Development of a tax-title parcel (for which the Town forfeited more than $200,000 in taxes) into three single-family affordable houses and a four bedroom mental health group home.

- Operation of a first time homebuyer down payment assistance program, which has provided financial assistance to more than 30 income-eligible families.
- Adoption of a Great Estates zoning regulation that allows non-traditional development (to preserve estate properties) but requires that 10% of all dwelling units be affordable.
- Conversion of a Town-owned building into seven units of affordable elderly rental housing in the downtown.
- Conversion of a vacant Town-owned building into ten units of affordable elderly rental housing in central Ipswich.
- Establishment of a homeowners' rehabilitation program in 2003 and another in 2012 that has assisted 14 families to date.
- Adoption of a zoning regulation that allows accessory buildings in the two predominant residential districts to be converted into residential dwellings, subject to certain requirements, which include making the unit affordable or making a payment to the Affordable Housing Trust. Twenty-two accessory buildings have been converted to dwelling units under this provision.
- Adoption of an infill housing zoning provision that allows the construction of homes on certain undersized lots in the largely built-up Intown Residence District, provided the homes are affordable (there is a payment in lieu option of $50K) and otherwise in character with the neighborhood. Four infill lots have been approved to date, resulting in a total payment of $200,000 to the Town's Affordable Housing Trust Fund.
- Adoption of a zoning provision allowing accessory apartments (in 2004 it was expanded to allow accessory apartments in all zoning districts), which has led to the creation of 66 such units.
- Adoption of a zoning provision whereby the Planning Board may, by special permit, allow a density bonus in multifamily developments if the developer provides an affordable housing (units(s) or payment) or public recreational benefit. This provision has resulted in the creation of several new affordable housing units and helped make certain multifamily housing projects economically viable.

As a result of the initiatives described above, the Town has approved, preserved or created hundreds of units of affordable housing, many of which are subject to long term affordable housing restrictions. Through housing rehabilitation programs, the Town has preserved or provided housing opportunities for 14 households. The Town has also enabled dozens of first time home buyers with loans and grant assistance. To date, nearly $600,000 has been contributed to the Affordable Housing Trust Fund, all but $50,000 of which has been spent on affordable housing initiatives.

Conclusion

The efforts described above demonstrate both the Town's strong commitment to providing affordable housing to our citizenry, and our constructive bias towards sustainable smart growth development. Given our commitment, we ask that you give our views and concerns considerable weight as you evaluate the *Residences at Essex Pastures* 40B Project Eligibility Application.

Sincerely,

Charles D. Surpitski, Vice Chair
Board of Selectmen

ATTACHMENT 1

Ipswich apartments

11-Apr-17

Market rents

	1 bedroom		2 bedrooms		3 bedrooms		
	rent	size--sq ft	rent	size--sq ft	rent	size--sq ft	
56 Little Neck Road	$1,495	754					
34 Agawam Village	$1100-2023	821-831	$1600-2343	1163-1168	$1800-3025	1421	composite of nearby properties
Bayside	$1145-1245	600-668	$1,295	810-850	none		
100-101 Colonial Dr.							
3 4th Street					$1750 furnished	1450	
12 Highland Avenue			$1,500	1100			
25 Turkey Shore Road					$1,700	1400	
Ed Dick, broker							
Ingrid Miles, broker	$1,400		$1,500		$2,000		
MLS rentals, past 6 mos.			$1,500		$2,500		
			$1,600				
			$1,600				
			$1,950				
			$2,200				
			$2,300				
Private owner			$1,500				
Private owner			$1,400	850			
Bruni's proposed	$1,507	748 sf	$1,807	1172 sf	$2,350	1832 sf	

	1 bedroom		2 bedrooms		3 bedrooms	
	rent	size--sq ft	rent	size--sq ft	rent	size--sq ft

Permissible affordable rents @ 70% AMI (max income @ 80% AMI):						
	$1,373		$1,545		$1,716	
Bruni's proposed	$1,242		$1,470		$1,671	

Permissible affordable rents @ 50% AMI (max income @ 60% AMI):						
	$923		$1,108		$1,280	
Bruni's proposed	na		na		na	

Prepared by Department of Planning and Development, April 2017