



To: Carolyn Britt, Chair Planning Board
From: Nancy Baker, Robert Baker
CC: Ethan Parsons, Director of Planning, Kristen Grubbs, Town Planner, Wayne Castonguay and Andy Brengle, Co-chairs of Open Space Committee
Date: January 3, 2022
Re: Comments on Special Permit Application for 55 Waldingfield Road

The Ipswich Planning Board received a significant number of comments regarding Ora's diverse plans to redevelop the residential estate at 55 Waldingfield for a business/commercial use. We submitted a comment on November 29, 2021 which we believe shows that the GEPD bylaw limits the additional density for the full build out on the site consistent with IX.H.5b.i. and IX.h.5.d.v. ,

“such that the total floor area does not exceed the product of 3,000 sf times the number of dwelling units that could be developed under normal application of one-acre zoning.”

We do not believe that this comment has been given adequate consideration in the dialogue at planning board meetings, and are asking you to reconsider it with the following explanation for why we believe that there is a sound environmental basis as well as a framework for achieving the GEPD purpose, by limiting the new construction consistent with the above referenced sections of the GEPD.

First, there is a sound environmental basis for setting such a limit: it is to protect groundwater from pollution, which has been established in the Title 5 Sanitary Code. The density limitation in the GEPD is linked to the wastewater that that could be accepted by the soils on 55 Waldingfield Road, as determined by perc tests for the number of homes that could be developed on the site.

On this site, which slopes toward the Ipswich River, it is predictable that the groundwater from the site also flows toward the river. Although the control of wastewater pollutants, (such as pharmacological byproducts that are not broken down by soil bacteria), from being discharged to the groundwater flowing into the Ipswich River is beyond the purview of the planning board, it is important to recognize that this density limit in the GEPD would help to minimize that damaging impact to a drinking water source for the Town.

Secondarily there is a reasonableness to this density limitation in the GEPD. Basically, the applicant would be given a green light to establish a business on one of the town's premier estate sites, which otherwise would remain in rural residential use. If perc tests demonstrate that on-site soils can accept additional wastewater flow, there would be the potential for additional homes. Accordingly, the developer is given an equivalent square footage as an incentive to preserve open space. In addition, the developer is given an incentive to preserve the historical estate buildings and redevelop them to meet their business functional needs with some latitude to add square footage to achieve their business functions. All in, the developer is offered a reasonable amount of additional development on the site, which would be equivalent or greater than the as right residential development.

The GEPD provides nothing more in exchange for a zoning change. The 8% maximum development in the GEPD is a 'back stop' to prevent excessive development that would undermine the purpose of the GEPD. Therefore, we encourage and support the planning board's efforts to ensure that the GEPD purpose is fulfilled as it was intended, rather than as the developer would ask you to accept for their purpose. The 8% development would have damaging environmental consequences on traffic and the public's historic use of the rural road for public recreation.

Attachment: November 29, 2021 memo.



To: Carolyn Britt, Chair Planning Board
From: Nancy Baker, Robert Baker
CC: Ethan Parsons, Director of Planning, Kristen Grubbs, Town Planner, Wayne Castonguay and Andy Brengle, Co-chairs of Open Space Committee
Date: November 29, 2021
Re: Comments on Special Permit Application for 55 Waldingfield Road

Thank you for the opportunity to comment on the 55 Waldingfield Street project. As neighbors to the existing property, our family will be adversely impacted by the proposed change in zoning to allow commercial activities. Starting with construction, this and future projects on the property, will significantly increase the traffic, noise, and numbers of people in our neighborhood. We do have very real concerns that the nature of this commercial business project is too large, and will result in very significant alteration of the rural, agricultural, recreational, and residential character of the area. This area also provides upland habitat for birds, invertebrates, and mammals, which are rapidly vanishing from our region.

We are concerned that there appear to have been inconsistencies in the Special Permit Application submittals, and that new information is made available during and immediately prior to planning board meetings. At the November 10th planning board meeting, it was anticipated that the discussion would focus on sustainability. Instead, new drawings and plans were shown for the first time. The planning board review process allowed has made it unnecessarily burdensome and difficult for neighbors to fully comprehend the project and its' impacts.

Special Permit Application (SPA)

Based on the issues raised in this memo, we respectfully are asking the planning board to use its considerable authority, under the Great Estates Preservation Development (GEPD) to satisfy the bylaw's purpose (IX. H.1). Specifically, we are asking the planning board to reduce and limit permanently the dimension requirements of the full buildout and total new floor area "such that the total floor area does not exceed the product of 3,000 sf times the number of dwelling units that could be developed under normal application of one-acre zoning," (IX. H. 5b.i.) and (IX. H. 5.d.v.).

The documents reviewed in preparation of this comment include: Ora October 20, 2021 GEPD calculations, the Special Permit Application (SPA), Ora Waldingfield Master Plan, Phase 1A & 1B, Subdivision submitted by Ora at the November 10,2021 planning board meeting, Supplemental Traffic Memo Ora at Waldingfield, GPI,10/15/21 correspondence from Atty. Nysten, November 5, 2021, Memos from the Open Space Committee, October 21, 2021 and November 8, 2021, and information provided at the November 11, 2021 planning board meeting.

Site Density

- 1) The Ora GEPD calculations do not include the square footage that is required by the GEPD based on perc tests, in order to calculate the maximum new floor area in the development (IX.H.3. b.i.).**

This is the most significant omission in the application. The applicant uses other floor area criteria to present a plan that exceeds what would be allowable under this GEPD requirement. This is the most important density requirement because it assures that there is an understanding of the density that is currently allowable, and that the GEPD does not increase the additional buildout of the site beyond that limit.

Notably, the applicant's interpretation of this section of the GEPD appears to be incorrect in the Ora memo (October 20, 2021), such that applicant's calculation of the maximum total building area permissible does not include the required calculations of maximum floor area specified in IX.H.3.b.i. and ii. **The language in the GEPD, very specifically identifies the maximum density as: "The total allowable floor area obtained through the application of the formulae described in sub-paragraphs (1) and (2) a of the area of the lot."** Sub-paragraph (1) corresponds to the square footage determination explained in the comment above, and sub-paragraph (2) is the additional square footage allowable for rehabilitation of historically or architecturally significant structures. These calculations also have been omitted from the applicant's calculation of maximum buildable floor area.

- a) At the November 11, planning board meeting, a preliminary subdivision plan showed the potential layout for 13 house lots. As this could be considered a best-case residential build out, because there is no certainty that all lots would perc, this plan seems a reasonable way to get a reasonable idea of the maximum allowable new floor area on this site.
- b) The GEPD states, "the applicant may construct new floor area in the development such that the total resulting floor area does not exceed the product of 3,000 sf times the number of dwelling units..." (IX.H.3.b.i).
- c) **Using the subdivision plan, the GEPD calculation of maximum floor area that may be built is: 3,000 sf X 13 houses = 39,000 square feet. This would be the total, maximum floor area allowable by the GEPD, assuming that all 13 lots perc.**

Until and unless this floor area dimensional requirement is addressed consistently with the GEPD citations above, it appears that the Special Permit Application would be deficient.

As stated in the original SPA submittal, the proposed development is, **"business offices, a conference center (meeting rooms and overnight lodging project is described), a health and wellness center, dining facilities, equestrian and agricultural (barn expansion), and accessory uses."**

- 2) The Ora documents referenced above do not appear to specify the locations of the **conference center facilities, dining facilities, and agricultural activities.** This is the information given in the SPA and supporting information:
 - a) Phase 1A: a 2,000 sf addition to the mansion and carriage house with 51 parking spaces (**50 employees**);
 - b) Phase 1B: Only about 25% of the existing farmhouse would be preserved; 16,000 sf would be new construction for lodging and a 5,000 sf addition to the barn with 30 parking spaces;
 - c) Phase 2: New 3-story, 56,000 sf building (workspace) with parking, (sub-surface and/or a parking deck), and relocation of the pool house (**150 employees**);
 - i) A small-scale footprint for this building was shown at the Nov. 11, 2021 planning board meeting.
 - ii) One overlay photo of the site from one location on Waldingfield Road also was provided at that meeting. More drawings and images showing the buildings from key viewsheds, such as views of the full build project from the public way, the Ipswich River, abutting properties, trails and open space should be provided, including the late fall through spring when trees are bare.
 - d) Phase 3: A new 16,000 sf building is planned for a wellness center. The school house is to be relocated. There are no plans for these buildings.

In addition to providing information on the locations for the conference center, dining, and agricultural activities, if different from equestrian activities, it should be demonstrated that the new, renovated, and relocated buildings in Phases 2 and 3 and their ancillary elements (such as mechanicals, waste and water lines and drainage systems) would be in compliance with the GEPD. Will setbacks from the proposed trail or open space be altered to accommodate underground utilities or stormwater controls? Will mechanicals or accessory structures be allowed above the height limits in the GEPD?

At this point, there does not appear to be supporting documentation to demonstrate that these GEPD requirements have been met:

- Commercial use, including buildings, parking, outdoor recreational structures, and paved areas for vehicles does not exceed 20% of the lot. (IX.H.5.ii.)
- The four-story height limit is satisfied (IX.H.5.iv. and (VI.G.2)

- The water system is sufficient for fire protection and domestic use (IX.H.5.a.)

The GEPD language further limits the floor area, such that the total floor area computed based on sub-paragraphs (1) and (2), may not exceed 8% of the lot area, excluding ½ of the wetlands (sub-paragraph (3)) (IX.H.3.iv.). The applicant has submitted that the maximum floor area is based ONLY on 8% of the lot, where the lot is reduced by ½ of the wetland area on the site.

3) It is noted that the reported square footage of the mansion is inconsistent with the Town of Ipswich Assessor's data.

- Assessors' data: 12,161 sf for the mansion v. 13,970 sf in SPA.
- The Ora GEPD calculations, based on the GEPD amendments in April 2021 indicate that 12,500 sf minimum is required in the mansion (IX.H3.a.iii). If the assessors' data is used, the mansion does not have the minimum square footage.
- Inclusion of basements in the farmhouse and barn (1830 sf and 2,937 sf) should be verified. It appears overly generous to allow residential basement space storage to be converted to active commercial and accessory uses, particularly if building siting and heights significantly alters the natural landscape and vistas.

4) Wetlands/Coastal Exclusion (Ora calculations 10/20/21) include land that is not within the 39.9-acre property.

- Wetlands surveys were prepared for both the 68.8 and the 39.9 acre parcels. Since the GEPD compliance requirements apply to the 39.9 acre site, it is unclear why this information was included in the Ora calculations.

Building Design Standards – Open Space

After considering the GEPD sections described below, we are asking respectfully that the Planning Board use its authority to allow setbacks to be included in the open space calculation only where they enhance and strengthen the purpose of the GEPD bylaw as stated in IX. H. 1.c., and consistent with the Open Space Restrictions, the Guidelines (IX. H. 5.c. iv.), and the Open Space Committee comments, which emphasize the importance of fields as open space.

The applicant has reported that there will be approximately 200 employees by Phase 3, increasing the population density about 20-fold. Thorough consideration of the impacts of business-related activities and the significant increase in intensity of use of the property on the existing open space should be given in determining appropriate new open space. After we reviewed the referenced bylaw sections, as explained below, we are asking the Planning Board to use its authority to carefully evaluate whether setbacks may be included as open space. Both setbacks and open space are required. The applicant should make every effort to minimize the impacts of the project by maximizing both setbacks and open space. **Setbacks may be appropriate to be included in the open space calculation only where they enhance and strengthen the purpose of the GEPD bylaw as stated in IX. H. 1.c., and consistent with the Open Space Restrictions, the Guidelines (IX. H. 5.c. iv), and the Open Space Committee comments.**

We do not agree that the existing 8.8 acres of existing open space should be included in the applicant's open space calculation. There is no net gain in land area in open space as this land has been under a Conservation Restriction, and it is clear from Ora that the purpose of included the 8.8 acres is to reduce their contribution of land to open space. We ask the planning board to recalculate the open space proposal, excluding the buffer zones, the 8.8 acres under the CR, and wetlands to better understand how much new land the applicant is actually offering as open space.

We also are asking that the paddocks be protected to meet the open space requirements because they preserve the rural character of the property and the neighborhood. The name, Waldingfield, must not be only a relic and reminder of a time that has passed. The fields are natural features, providing important vistas for this designated scenic roadway. If these fields are not preserved, how will this project have benefits over a much smaller footprint associated with a residential development? Without the environmental and historical benefits described in the GEPD, would be inappropriate to consider this parcel for a zoning change that would turn a rural residential property into commercial use which will bring other significant traffic, noise, stormwater runoff, light pollution, and associated impacts, while increasing demands on municipal water and emergency response personnel.

The following information supports the previous recommendations for modifications to the applicant's current open space plan.

- The Open Space Restriction requirement of a minimum of 40% of the lot (IX H.5. c.) is **silent** on the use of setbacks as part of open space.

- a) A separate section of the bylaw, the dimensional regulation, identifies the minimum setback requirements (IX. H. 5. d.). This section also is **silent** about the inclusion of setbacks in the open space.
 - i) The dimensional section of the bylaw, however, does make a clear distinction between open space and setbacks. (IX H.5.d.i.). The bylaw states, “the Planning Board may require that the first thirty (30) feet of the setback from such open space be a landscaped buffer.”
 - ii) Because there are separate sections in the bylaw for open space and dimensional requirements, and because there is bylaw language with criteria for setbacks from open space demonstrates that the bylaw recognizes that open space and setbacks are considered distinct and separate. In fact, their functions are typically different.

- b) **The Open Space Restriction section of the GEPD requires the use of the guidelines in designating open space (IX. H.5.c.iv.). It states, “the applicant shall apply the guidelines.” The word, shall, means must apply, which effectively incorporates the guidelines into the bylaw.**
 - i) A letter to the Planning Board, dated November 5, 2021 from Atty. Nylen appears to imply that the applicant is not obligated to follow the guidelines as a requirement of the bylaw. We disagree with that interpretation of the bylaw.

- 6) **The dimensional requirement for a minimum 250-foot setback from the public way does not appear to be met with the Phase 1b plans for the farmhouse. It is represented that this phase will build a 16,000 sf addition. The facts indicate that this is a new building and not an addition.**
 - a) The farmhouse is a 2,785 sf structure with an 1,830 sf basement.
 - b) The plan is to preserve 2,100 sf of the farmhouse.
 - c) New construction will add 16,000 sf.
 - d) **Almost 87% of the farmhouse will be new construction. The GEPD requires new construction to meet at least meet the minimum 250-foot setback.**

Based on this information, we believe the planning board should consider Phase 1B to be predominantly new construction for compliance with at least the minimum required by this GEPD primary roadway setback.

Lastly, we ask that the planning board reconsider the Special Application piece-meal filing of information by Ora, which has impeded a complete understanding and thorough review of the proposed project. It would be very helpful to, at a minimum, hold a separate meeting to present the entire project to give the planning board the full opportunity to review all documents, comments, and assess whether the project or aspects of the project could be developed in compliance with the GEPD requirements. Our review raises issues that we believe call into question whether the density proposed is consistent with the GEPD.