

March 31, 2022

Ethan Parson
Senior Planner
Town of Ipswich
ethanp@ipswich-ma.gov

RE: 5-7 Turkey Shore Road, Ipswich – Proposed ADU

This letter is to bring to your attention, as well as, the members of the Planning Board some things that have come to our attention since the last Planning Board meeting and the site visit that we all attended.

In researching the bylaws and other documents by the town some of the same issues keep coming up.

Specifically, in the Ipswich Zoning Bylaw, Section IX.U Detached Accessory Dwelling Units – approved STM October 2021 – 1. The purpose of this subsection are to: a. Increase the supply of small, moderate and affordably priced housing within the IR District, close to the Town’s center., b. Promote development that is compatible with the character and development pattern of its surrounding neighborhood.

We, and many of our neighbors as noted on our petition attached, do not that this project is in keeping with the development pattern of its surrounding neighborhood.

#4. Under Conditions of Approval, Special Permits approved by the Planning Board shall be subject to the following conditions: it states that, a. “No lot shown on a plan for which a permit is granted under this subsection may be further subdivided and applicants must record a deed restriction to this effect.” And, b. “Affordable housing: Except when an applicant pays a fee in lieu of an affordable housing restriction in accordance with the Planning Board Regulation: “Inclusionary Housing Payment-in-Lieu-of-Option”, a deed restriction must be placed on the property to ensure that the affordable unit remain so for a period of 99 years, or the greatest period of time allowed by law, and said affordable unit must be included on the Town’s Subsidized Housing Inventory. “

Hopefully, this means that the developer cannot come back in a few years and apply to put in an additional unit on the property as has been mentioned by the said developer.

Also, Section J. Special Permits, the Special Permit Granting Authority (SPGA) is designated as the Zoning Board of Appeals, the Planning Board, or the Board of Selectman.

In this situation, who will be the SPGA?

Under Section 2. b. “In making this determination, the SPGA shall apply the following criteria:

iii. Traffic flow and safety, including parking. Loading, v. Compatibility with neighborhood character, and vi. Impacts on the natural and built environment

This section above, and the items noted are particular concerns of the neighborhood and don't seem to be adequately addressed at this point. Attached is a topographic map showing the drainage for the entire neighborhood that has been submitted to the Conservation Commission.

We have also had the opportunity to review the Ipswich Town Character Statement, prepared by Department of Planning and Development, Ipswich, Massachusetts, September 2004. The statement describes the distinctive qualities and characteristics of Ipswich from the perspective of residents. Although it is non-regulatory guidance it offers design guidelines and recommendations for various land uses found throughout Ipswich. It also states that its purpose is to preserve the distinct historic character of Ipswich as well as protect the diverse community and environmental resources that define the town. In the section titled "How will it be used?" It recommends that the TCS "should be taken into consideration on all future planning and development activities, to ensure that future development fits local surroundings and adds to the distinctive local character. Special permit granting authorities are encouraged to use the guidelines described in the TCS to help determine whether or not a proposal meets the criterion "compatibility with neighborhood character."

In the TCS, it describes the Turkey Shore Road Neighborhood, page 18, "many properties have been developed along the waterfront. Densely built, the neighborhood is almost exclusively residential and the age of its housing ranges from pre-1725 to present day." On page 34 of the TCS under 10. Residential Design, "When choosing a place to live, people often select a neighborhood first and a home second. The ingredients that shape a neighborhood into a unique and desirable place to reside include the design of the homes, historical attributes, natural features of the land and native vegetation, degree of privacy, landscaping and views. These features bond to form the character of a neighborhood. Ipswich is fortunate to have any neighborhoods with distinctive character. Before building in Ipswich, developers and homebuilders are encouraged to become familiar with the character of their neighborhood. Prospective builders should examine the neighborhood's existing setbacks structural tendencies/design, buffers, degrees of privacy, viewscapes, landscaping, and the natural features of the land." In section 10.1 Issues and Guidelines two issues are outlined that are a particular concern: "Coherency in proportionality of residential design is an important component of neighborhood character, and, The manner in which structures relate to each other and to the street shapes the character of the neighborhood."

We hope that the efforts of the committee that took the time to analyze and produce this report were not in vain and this helps the Planning Board in their decisions on whether to approve a project or not.

Finally, an article in the IPSWICH LOCAL NEWS, published on March 30, 2022 regarding the state proposal to allow more apartments in MBTA Communities is being challenged by the Select Board, letter attached. This bill was passed in January 2021, before the new bylaw allowing Accessory Dwelling Units in October 2021. How is it that the MBTA proposal that was passed before the bylaw is not in effect and the new bylaw is going forward with little to no consideration as to how it will effect our neighborhoods? It seems as though it would be wise to slow down to consider the overall effects to the town and the character of each individual neighborhood.

Thank you for your time and consideration.

William H Mitchell – 9 Turkey Shore Road
Denise M Prosser – 9 Turkey Shore Road

Diana L Prosser – 11 Tukey Shore Road
Margaret Nealon – 3 Turkey Shore Road
Ed Hetnar – 20 Poplar Street



Denise Prosser <denise@cleansoils.com>

5 Turkey Shore Road RDA Drainage Issue

1 message

William Mitchell <bill@cleansoils.com>

Tue, Mar 1, 2022 at 10:56 AM

To: Brendan Lynch <brendanl@ipswichma.gov>, janetr@ipswichma.gov

Cc: Denise Prosser <denise@cleansoils.com>

Dear CONCOM:

I am the owner of [9 Turkey Shore Road](#) that abuts [5 Turkey Shore Road](#). I would like to speak about the Project Weds night. Please see the attached for tomorrow's meeting. Can you please help me share this during the Zoom Meeting tomorrow?

The attached shows Topography via color code (yellow the highest and blue the lowest). It also shows detailed surface water drainage flows within this neighborhood including the RDA project Location.

Clearly surface water is an issue for this Project both from the small drain basin and roadway way runoff. To demonstrate this concern, the catch basin system in front of [5 Turkey Shore Road](#) flooded frequently.

This proposed project has the potential to worsen the drainage issue within this neighborhood. The worsening could be flooding the finished basement at [9 Turkey Shore Road](#). The water table is only inches from the bottom of our finished basement and there is no sump.

CONCOM please help prevent further flooding in this portion of the neighborhood. With that said, a Positive RDA is appropriate according to 310 CMR 10.00.

William H. Mitchell, Jr., LSP

President/Geologist



PO Box 591

Ipswich, MA 01938

Office: 978-356-1177

Cell: 978-852-5988

bill@cleansoils.comwww.cleansoils.com

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

**Drainage Turkey Shore Version 3.pdf**

1726K



TOWN OF IPSWICH

Select Board

25 Green Street
IPSWICH, MASSACHUSETTS 01938

Tammy Jones, Chair
William Whitmore, Vice Chair
Linda Alexson
Kerry L. Mackin
Sarah Player

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

March 21, 2022

Mr. Michael Kennealy, Secretary
Executive Office of Housing & Economic Development
100 Cambridge Street, Suite 300
Boston, Massachusetts 02114

RE: Multi-Family Zoning Requirements for MBTA Communities

Dear Secretary Kennealy:

On behalf of the Ipswich Select Board I offer these comments on the proposed Multi-Family Zoning Requirements for MBTA Communities.

Massachusetts has an undeniable shortage of housing which contributes to the high cost of housing in the State. We understand the need to increase the supply of market and affordable housing in Massachusetts. Doing so will be better for our citizens and make our State more competitive. We do not believe applying the same standard across all 351 communities makes sense. We have seen that a one size fits all approach is rarely the best or most effective tactic.

Ipswich is an MBTA community and has a commuter rail stop on Topsfield Road, therefore, we offer the following comments on the proposed regulations:

- The draft regulations require at least one district with a minimum of 50 acres that allows a density of at least 15 housing units per acre. Ipswich would be required to provide for at least 971 housing units. Ipswich has a little over 6,400 housing units. The regulations would increase the number of units by 15%! This would have an enormous impact on Ipswich.
- The requirement that a district be located near a downtown area not more than 0.5 miles from transit would be near impossible as this is already a densely populated area with congested streets, homes and our downtown businesses.
- The fiscal impact on the community is incalculable. Increasing the number of dwelling units by 15% would result in the following impacts:
 - An explosion of school age children. This will likely require the construction of new schools or additions to existing buildings, if feasible:
 - The Massachusetts School Building Authority is stretched beyond its means as it is; we cannot assume there will be funds to assist this newest unfunded mandate
 - Antiquated and burdensome procurement laws needlessly drive up the cost of public construction while providing no added value. This places the onus on local taxpayers
 - Dramatic increase in traffic:
 - This will further clog already congested roads, increasing commute times, contributing to more road rage, and burdening the environment with more vehicular emissions
 - Increase demand for local public safety to police these roads and respond to a likely increase in motor vehicle accidents. As with other costs, the expense will be borne by local taxpayers

- Environmental degradation:
 - Satisfying the requirement will push development even closer to environmentally sensitive areas, including wetlands, areas subject to flooding, and critical habitats. The Ipswich River, one of America's most endangered rivers, runs through downtown Ipswich
 - Disturbance of such areas is completely contrary to the need to plan for climate change. Building near sensitive areas will increase the need for more funding to mitigate climate impacts. This is a vicious cycle
- Water and Wastewater Infrastructure:
 - Ipswich is within the Ipswich River and Parker River watersheds, which are severely strained watersheds. At this point we have concerns if we can meet normal future housing and economic development within the constraints of the Water Management Act. We also have concerns about accommodating normal housing growth, plus 971 additional dwelling units without potentially violating the Water Management Act and further compromising the health of the watershed
 - Ipswich has a large number of homes that have onsite septic systems with the remainder on Town-owned sewer system. Approximately 2200 homes and businesses have access to our sewer system.
- The law's requirements appear at conflict with Chapter 40B. A community that has achieved 10% on its subsidized housing inventory or is in safe harbor would appear to lose those protections
- Community character could be severely degraded by poorly designed, cheaply built projects that are incongruous with the community. Are communities able to apply design criteria?

We know that simply offering our complaints is not helpful. We offer the following solutions and recommendations in hopes of improving the regulations:

- Eliminate the 50 contiguous acre minimum
- Requiring that 15% of housing units be classified as affordable would be a high bar, but is more reasonable than what is proposed. Please provide clarity on the apparent conflict between these regulations and c. 40B
- Give credit for communities that lack adequate water or wastewater infrastructure
- Give credit for units already existing in transit and downtown areas
- Give credit for units that could be constructed in transit and downtown areas under current zoning
- Give more time for communities to comply
- Provide funding to enable communities to plan for and construct the units. Another unfunded mandate only makes communities more resistant
- Eliminate the ½ mile radius for communities that have no public transport facilities
- Relax the ½ mile radius requirement for communities that operate a shuttle from an MBTA station.

As you can see, we are concerned about the regulations as proposed. However, with reasonable accommodations and flexibility we believe they can accomplish the Administration's goals while respecting communities' unique characteristics. We want to be part of the solution, not part of the problem. We hope you will embrace these suggestions in the spirit in which they are intended.

Sincerely,

Tammy Jones
Select Board Chair

Conservation Office

During this time, please contact our office via email or phone if you wish to schedule an appointment or site visit. Public records requests can also be performed via email. Thank you for your patience and understanding. Voicemails left at the Conservation Office will be responded to when the Agent is in the office.

All Conservation Commission meetings are being held via Zoom until further notice. The instructions are as follows. The meeting schedule is below. Please see Agenda for most up to date information. The Agendas can be found on the Home Page under "How Do I"

The Conservation Commission will participate in this meeting remotely utilizing Zoom in accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing.

- *To listen with an opportunity to participate in this public meet please use the following link:*

<https://us02web.zoom.us/j/84935912194?pwd=a1kwbXNxWHY1eWRHWEE0ZnIRVDVHQT09>

1. Meeting ID: 849 3591 2194
2. Password: 794359

- *If you do not have a camera or microphone on your desktop or laptop, please follow the instructions below to call-in by telephone:*

1. **Dial** (929) 205-6099 or (312) 626-6799
2. **MEETING ID: 849 3591 2194** (followed by #)
3. **MEETING PASSWORD: 794359** (followed by #)

If you cannot access the meeting via Zoom or telephone and you would like to comment on a project, please email BrendanL@ipswichma.gov with your question or comment and it will be added to the public record. You can also hand write a letter and mail it to: Conservation Department, 25 Green St., Ipswich, MA 01938.

The Conservation Office assists the Conservation Commission in administering the Massachusetts Wetlands Protection Act (WPA) and the Ipswich Wetlands Protection Bylaw. The WPA empowers the Conservation Commission to determine if a project will adversely impact the following eight interests:

- Protection of Public and Private Water Supply
- Protection of Groundwater Supply
- Providing Flood Control

- Prevention of Storm Damage
- Prevention of Pollution
- Protection of Land Containing Shellfish
- Protection of Wildlife Habitat
- Protection of Fisheries.

The Ipswich Wetlands Protection Bylaw adds ***Erosion and Sedimentation Control*** to the above interests.

The Conservation Commission has jurisdiction within 100' of a wetland, 150' of an Area of Critical Environmental Concern (ACEC, defined as elevation 10' in certain coastal areas), and 200' of a river or perennial stream. Any work that impacts the water, soils or vegetation (other than pruning landscaped areas, routine maintenance of lawn, and a few other minor activities) requires prior approval by the Conservation Commission. This approval is achieved by filing certain forms and information with the Conservation Office, and attending a public meeting with the Commission to present the project and answer questions.

The Conservation Office is available to assist applicants to ensure that all required forms are properly completed and submitted.

Conservation Commission Meeting Schedule and Filing Deadlines

- [2022 Conservation Commission Meeting Schedule](#)

Articles of Interest

- [How Neonics Can Kill Bees](#)
- [Are There Wetlands On My Property?](#)
- [Is My Home in a Floodplain?](#)
- [Wild Animal Stranding: Injury Contact Information](#)
- [Temporary Erosion Control Information](#)
- [What to do with Fall leaves? LEAVE THE LEAVES](#)

[The Beecology Project: Protecting Pollinators through Citizen Science](#)

["What's the Buzz?" Webinar from Dr. Rob Gegear, UMass Dartmouth](#)

[Spotted Lantern Fly: Mass Department of Agriculture Announcement](#)

Proposed Local Stormwater Regulations

- [Ipswich Draft Stormwater Regulations](#)

FAQs

- [How does the Ipswich Conservation Commission administer the Massachusetts Wetlands Protection Act and the Ipswich Wetland Protection Bylaw?](#)

- [How can I find out if my project is allowable under the Wetlands Protection Act and the Ipswich Wetland Protection Bylaw?](#)
- [What types of permits does the Ipswich Conservation Commission issue?](#)

[View All](#)

Contact Us

Brendan Lynch
Conservation Agent

[Email](#)

Janet Rice
Conservation Assistant

[Email](#)

Town Hall 25 Green St. (1st Floor) Ipswich, MA 01938

Ph: 978-356-6661

During regular Town Hall business hours, by appointment.

[Staff Directory](#)

Quick Links

- [Great Marsh Coastal Adaptation Plan](#)
- [DEP File Number Look-up](#)
- [Coastal Landscaping](#)

[View All](#)