

To the Planning Board,

Thank you for your ongoing evaluation of the application for a Special Permit to build a detached accessory dwelling unit at 5-7 Turkey Shore Road.

This project has been described by the applicant as a “modest proposal,” and at first blush, it seemed as such, with several people commenting on the likeable design of the ADU. Yet, upon further examination, this project is not modest; it’s a carefully crafted, precedent-setting application that has the potential to impact not only this neighborhood, but others.

Respectfully, I share the following thoughts and questions. Hyperlinks are provided to referenced meeting minutes, as available.

New Zoning Bylaw Detached Accessory Dwelling Units: Inception to Application

Prepared by the Planning Board, Article 7 at the Special Town Meeting in October 2021 proposed amendments to the zoning bylaws including the addition of a new subsection, “Detached Accessory Units.” Within its six-slide presentation the Planning Board stated, “ADUs must either be affordable or applicant must pay into the Affordable Housing Trust” (page 3). This was a very clear definition and the presentation provided solid reasons for support, which the public did by voting for its approval.

Fast forward to February 2022 and this application for a Special Permit to build the first new construction ADU comes before the Planning Board. The new construction ADU proposed at 5-7 Turkey Shore Road met all of the dimensional requirements and even included a deeded affordable unit. It seemed straightforward, yet upon further examination, this project is a variation, an exception of the new bylaw as expressed in the presentation to the public in October 2021.

We come to learn that the applicant proposes that the ADU at 5-7 Turkey Shore would not be affordable. Instead, the ADU would be an income generating two-bedroom dwelling offered at rental market rates, currently trending to upwards of \$3,000/month. The applicant mentioned that the ADU may become an Airbnb in the future. Do either of these scenarios represent the intent of the new bylaw? Wasn’t the new bylaw presented to the public and passed in October based on the ADU being designated affordable or applicant pays into the Affordable Housing Trust?

Affordable Housing; Who Sets the Terms?

As the property owner, landlord and developer, the applicant stated that he has a unique opportunity with his property and proposed that one unit in the existing two-family dwelling become deeded affordable housing in lieu of the proposed ADU. This is certainly a creative solution and one that benefits the town, but it’s not in keeping with the bylaw as presented.

Under the bylaw’s Conditions of Approval regarding affordable housing it states that except when an applicant pays a fee in lieu, “...a deed restriction must be placed on the property to ensure that *the affordable unit* remain so for a period of 99 years...”.

Since the proposed new construction ADU is *not* the affordable unit, does it comply with the expressed intent of the bylaw?

In essence, this project proposes affordable housing on its own terms in order for a developer to maximize the return on his income property and avoid having to pay into the Affordable Housing Trust. This is a shrewd business move by the developer. My question is, does this open up the bylaw to further creative interpretations whereby the substitute affordable units could be less desirable or even in a different location? What would be the criteria when it comes to approving existing affordable units that provide a green light to build ADUs?

Criteria and Conditions for Approval: Brass Tacks

What's before the board with 5-7 Turkey Shore is not an "off-the-shelf" ADU. It's the first new construction ADU seeking a Special Permit, so it's important to get this right. Fortunately, the rules and regulations for granting Special Permits provide standards from which the board can evaluate this project.

Based on my observations at Planning Board meetings, the applicant's promise of a deeded affordable unit has enormous appeal, soliciting a positive reaction for this project from all, and rightly so. The Town needs to increase its stock of affordable housing. To the degree that the second half of Standard Criteria A.1 – *"taking into account the characteristics of the site, neighborhood and surrounding"* – holds the same degree of weight of importance to the board is not for me to speculate. I do feel that the board has listened to the neighbors, our concerns about the site and the impact on the neighborhood, and for that we are grateful.

So, moving on to Standard Criteria A.2 - there's a lot to consider here...

"The petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite, and credible information and be presented to the Board illustrating how each criterion is met in accordance with the intent of this bylaw."

Clearly, the board has seen many applications, so you come to this criteria with a depth of experience in assessing materials. As a citizen, I can share that I was either unimpressed or confused with the materials presented for this project. In general, the materials lacked detail and, in some cases, credibility, in my opinion.

Taking it from the top, the Special Permit application that was submitted February 14, 2022: The applicant showed renderings of a building set in a tall pine grove. It was lovely and looked professionally produced, but it was not what was being proposed, and it certainly was not the site at 5-7 Turkey Shore Road. At best, let's say the visuals were to give the idea for the look of the proposed ADU and they were coupled with the applicant's simple line drawings of the building's front and left elevations, and entry changes. Is that sufficiently credible? What's the intention of including renderings of something that's like what's being proposed, but not quite? What struck me even more profoundly was that only three simple line drawings were submitted for a dwelling where people are to live. It was presented more like a garage.

Separate but related, the board made a request at the April 28 meeting for the applicant to provide a floor plan so they could better understand the layout, flow, light and livability of the dwelling. All we know about this dwelling is from the February 14 application; it's a 1000 sq. ft., two-bedroom, two-story detached accessory building. No mention of how many bathrooms were included on the application. The board has asked for detail five weeks ago, and I see floor plans were just submitted yesterday, June 6.

The Special Permits application also included a puzzling list of waivers from the required plans and information normally submitted for a Special Permit. And while these may be behind us now, I still think it's worth review and consideration.

The most notable waiver was the request by the applicant to forego a landscape plan. This was a concern of the board at the first hearing on [March 10](#). After initial push back, the applicant provided a proposed list of plants on April 25; it was a basic, minimal list with no supporting documents, no layout, no detail. We don't really know what the landscape plan is for this project. Worth noting, the Special Permit Checklist for a landscape plan includes providing existing and proposed plantings, pathways, location of exterior lighting and other amenities. I'm not aware of any presentation for exterior lighting for this project, location or type, though it's an important consideration given the close proximity of neighbors.

One of the more curious waivers was under Special Permit Checklist #5 in which the applicant proposed that the permanently affordable deed restriction be applied to an existing unit. Checklist #5 addresses such things as copies of deeds, easements or other documents to be submitted with the application. It has nothing to do with affordable housing. While this information was misplaced, it served the applicant's purposes, providing the first mention of an affordable unit "swap."

Shifting to the materials prepared for the Design Review Board: After two DRB meetings ([March 7](#) and April 4) in which the board asked the applicant to provide photos or renderings showing the building in context, the applicant provided professional drawings for the [April 25 DRB meeting](#). The contextual photo and professional drawings prepared by Savoie Nolan finally provided the DRB, and the rest of us, with a visual representation of what the proposed ADU would look like in situ.

The contextual photo, "[Proposed View from the Street,](#)" in my opinion, was striking. My takeaway was that the building looked bigger than I expected. It seemed tightly placed relative to the two-family and the neighbor's house. The driveway looked short and crowded with just one car in it, no matter what the scale of the car was.

We have been assured by the applicant that all setback and dimensional requirements have been met with this ADU, and I'm not questioning that. What I am suggesting is that this photo reveals just how tight this building will be on a lot that is 591 sq. ft above the minimum 12,000 sq. ft. requirement. Thanks to the contextual photo, we see what a 1,000 sq. ft two-story ADU looks like on a lot of this size, a lot that also has a two-family dwelling on it. My concern is even

if the numbers work, the impact of this ADU on the same lot with an existing two-family dwelling would result in a tight and crowded living experience for three families.

Finally, with regards to DRB materials, I was disappointed that the DRB was satisfied with one contextual photo for this project. The other perspective views for the ADU show a rendering of the building in generic graphic backgrounds, not in situ. So, we don't really know what this ADU will look like from any view other than the street.

The O&M Plan is another example of material lacking detail, in my opinion. The O&M Plan submitted was a boilerplate response to a required document. When pressed by the board to revise the O&M plan for more substance, the applicant changed "should," implying suggestion or advice to "shall," implying strong intention. I'm not sure how credible this O&M Plan is as presented with "strong intention" or even how enforceable it is. How is this O&M Plan enforced on a property that has a history of deferred and neglected maintenance?

Parking Layout

Setting aside the number of cars in the driveway, their scale or their ability to maneuver, I would like to direct the attention of the board to the secondary clause of Zoning Bylaw Section VII, M. 2, Parking Layout.

It states, "In no case shall parking or loading spaces be located so as to require the backing or maneuvering of a vehicle onto a sidewalk or onto a public way in order to enter or leave the space."

This could not be any clearer when it comes to defining parking layout and prohibiting vehicles backing onto a public way. As we all know, Turkey Shore Road is a public way for cars and trucks (sometimes speeding); walkers of all ages, with or without dogs; and cyclists ranging from toddlers to racers.

With a two-family dwelling and a proposed ADU, 5-7 Turkey Shore is a multi-family residential development, so parking layout is critically important for the safety of the two families sharing the driveway, as well as the vehicles and persons passing by. How does the current parking layout at 5-7 Turkey Shore square with this zoning bylaw? It would appear to me to be in violation.

Seeing the Forest AND the Tree

I thought the board showed signs of wanting to work with the applicant and the neighborhood at the May 19 meeting when it took into consideration the condition of the entire property. Surprising to me was the applicant's reaction to the suggestion to provide a plan of scope for the entire property, stating it would have been nice to have known this request weeks earlier.

I'm sure I'm not the only one to see the irony in this.

First of all, if the applicant had not neglected maintenance on his property for decades, this would not even be an issue. Secondly, the applicant is proposing to substitute another unit on his poorly maintained property to fulfill the affordable housing condition for his ADU. To me, the

applicant's request to accept an existing unit other than the new construction ADU expands the scope of the application and the Planning Board is right to require a plan for the entire property.

And just for the record, seven weeks prior, the board addressed concerns about the property at their [March 31](#) meeting following their site visit.

Impending Puff Report

The third-party review by Bob Puff is a much-anticipated document for all. It's like waiting for the next bestseller from your favorite author. It was clear at the May 19 meeting that the applicant was pressuring the board, challenging the Puff Report on all fronts – its purpose, its cost, its validity given that the Conservation Commission issued a positive OOC the night before.

Despite the applicant's protests, the fact is, the Planning Board requested a third-party review back on March 31, and as such, it was determined at that time that this report would be one of the necessary documents for the board to make a determination. Simple as that. I appreciate that the Puff Report will be one of the documents to inform the board when reviewing criterion 6. *"Impacts on the natural environment."*

Worth noting, when the Conservation Commission made its positive determination at their May 18 meeting, they also made it clear that even though the Puff Report was initiated by the Planning Board, a separate authority, they would require the applicant to open a new filing if any findings from the Puff Report impacted the plans that had come before the Commission.

There's no question that the Puff Report will have an impact on the board's decision for this project. For some, it may be all you need to decide, and while I respect that, I also hope that board members will consider *all* of the criteria to guide your decision.

I acknowledge this is a long letter. I wrote it because I care and this is important. The decision on this new construction ADU, the first of its kind, will set a precedent that the Town will have to live with for generations to come.

My thanks to the board for giving this project the careful consideration it deserves. It's not the biggest project you have on your plate, but you have treated it with the same level of attention as if it were, while being thorough, thoughtful, patient and fair. Thank you for your considerable time and service to Ipswich (not to mention reading this letter!).

Kitty Bartholomew
16 Turkey Shore Road