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August 5, 2022

Via Email & 1st Class Mail

Toni Mooradd, Chair
Planning Board
c/o Ethan Parsons
Town of Ipswich
25 Green Street
Ipswich, MA 01938

Re: Ora, Inc., 55 Waldingfield Road, Ipswich, MA; Open Space Staff Comments; Update

Dear Chairman Mooradd and Members of the Planning Board:

This office represents Ora, Inc. with respect to its request for a Special Permit and Site Plan approval. We are writing today 1) in response to the internal memo from the Open Space staff to the Planning Board members which raised a number of issues, most of which have been addressed and some of which are helpful to close out the discussion; and 2) to update four (4) other items.

1. Eastern Paddock status.

Reply: Staff reminds the Planning Board that the 40% of the Property to be permanently conserved by a CR as open space that the Applicant presented to the Board in accordance with the Bylaw does not include the Eastern Paddock.¹ Any specific reference to the future restriction of the Eastern Paddock will have a negative impact. We propose the following language as a condition similar to Turner Hill (#7) to address the concern and allow the Board to consider the open space status in the future as part of its review process:

“This approval is limited to the uses described above, and does not connote approval for any additional floor area. Should the

¹ The staff suggests that the Board has the authority “to require the entire Eastern Paddock be protected by a CR through the permit approval process”. The language of the Bylaw places the burden on the Applicant to submit the 40% permanent open space proposal for Board approval and the Board can require an additional 10% only if there is insufficient permanent open space with public access. That is not the case here with public access on almost the entire permanent open space area.

Applicant or a subsequent owner seek to develop additional new office floor area or commercial area at a later time, the request will be considered by submittal of a separate GEPD special permit/site plan review application for which the Planning Board will take into account additional open space or landscape protections appropriate to the application as well as GEPD requirements.”

2. A surveyed boundary plan of the CR, open space and trail should be provided.

Reply: We agree. As noted above, Hancock will provide the plan with the CR, open space and trail boundaries prior to the issuance of a building permit.

3. Prepare the trail locations on a plan.

Reply: We agree. The trail location will be within the CR and part of an easement running to ECTA or a similar entity. The off-site property trail on the Julia Bird property will be so noted if it is included on any plans. The CR process will include the Planning Board staff.

4. Rain garden location for Phase 1A and 1B in the CR and Operation and Maintenance Plan.

Reply: Yes, a rain garden associated with 1A and 1B will be within the CR and will be an allowed use. There is an operation and maintenance plan for the CR and for both rain gardens. (See attached)

5. Should the protection of private historic gardens be part of the CR?

Reply: Yes. The designation and certification of the formal gardens as historic landscape by the Ipswich Historical Commission does not provide permanent protection which is why the formal gardens were added to the CR. The management and maintenance plan has been prepared for the private gardens and included as part of the record. Public access to the historic gardens will be limited for its protection.

6. Rock dispersing pond within the CR.

Reply: We agree. The plan is being revised to remove the rock dispersion pond from the Julia Bird CR on the Property.

7. Is the amphitheater in violation of the GEPD dimensional requirements?

Reply: No. We believe that the staff's reading of the buffer strip location is inconsistent with the language. The Bylaw language reads:

“If a boundary line of the GEPD is adjacent to permanent open space, such as Town, State, Federal or privately-restricted open space, the Planning Board may require that the first thirty (30) feet of the setback from such open space be a landscaped buffer.”

The CR in question is on the Property and the GEPD boundary line is the Property line. The amphitheater and the corner of Phase 2 and 3 are very close to the line that defines the existing CR on the Property but are not close to the GEPD Property line. The GEPD Bylaw intent is to create a setback in order to protect land when it is adjacent to another property with permanent open space, but not to protect further the CR that is on the property. That is why the Bylaw uses the words “boundary line of the GEPD”. Our reading is that there are no internal setbacks from the on-site CR line required in the GEPD. We do have a GEPD boundary line that is adjacent to an existing off-site CR along the entire eastern boundary of the Property, but we have no work planned in it except for our loop trail which will act as the buffer.

8. ROW on eastern boundary granted to Greenbelt should be shown.

Reply: We agree. The 20-foot wide right of way will be shown on the plan.

9. Subsurface utilities for Phase 2 and 3.

Reply: The future septic systems are located adjacent to the 100' setbacks. There is no prohibition to the septic system being adjacent to the area. The Orchard is not located within the footprint of this system. The Orchard is located within the footprint of the reserve area for Phase 1B. This has been discussed previously with the Planning Board. The septic systems have been located with landscaping in mind and there will be no impacts on the landscaping by installation of the septic systems.

Other Items

10. Status of barn; lease and uses.

Reply: An email dated last week by Michael Maginn of Hamilton requests information regarding the barn expansion and rental use. As stated several times, the existing barn contains ten

(10) stalls with 10 horses and is rented by a third party. It will continue that way. He is correct that the barn is presently operated as a rental and will continue as such.

Horses, pastures, barns and trails were essential elements of Ora's attraction to 55 Waldingfield. In fact, the CEO was introduced to Ipswich and the property through riding lessons for his family. Mr. Abelson quotes Winston Churchill who said "there is something about the outside of the horse that is good for the inside of man". In addition to having the horses continue the history of the property use, Ora and the public can continue to benefit seeing horses grazing in the paddocks, running in the open pasture fields, and tucked in their stalls in the barn.

There are 10 stalls in the barn now and there will be 10 stalls in the future as depicted in Ora's design plan for months now. The Department of Food and Agriculture regulations at 330 CMR 16.03(2)(c), are clear that horses on the property must have "adequate dry shelter" for the horses maintained on the premises. The only option at 55 Waldingfield are stalls. By this regulation, with 10 stalls there can be no more than 10 horses, which equates to the same water use in the future as today except that Ora has committed to rain harvesting for non-potable aspects of the horse care such as hosing off horses after strenuous exercise or heat. The facility is not a show barn where horses must be shampooed and washed frequently for performance purposes. The equestrian environment will be casual. The barn renovation is a reconfiguration of the stalls as three of them are not at grade and are on the second floor with no support underneath, just wood planks. Years of shavings and debris have fallen through and built up in the storage area underneath. This area will be for auxiliary use and the first floor of the expansion will be for the relocation of those three stalls - for the safety and benefit of the horses.

The barn will be rented or leased to a respected, licensed and experienced barn manager who will be responsible for acquiring the right clients to board their horses on Ora's property, an arrangement that is similar to the one that exists currently.² The barn manager will oversee, guide and facilitate the horse care and program. It will not be a licensed commercial riding facility or operation whereby the public may come and rent horses for riding purposes. It will not be a licensed commercial riding facility. The horses will be owned by the barn manager, and their clients including perhaps Ora horses.

Ora will not be hosting horse shows, large events, or offer lessons to anyone that does not rent/lease a stall for their horse on the property. However, Ora would like to continue the equestrian traditions and activities have been part of the history of the property such as, but not limited to, fox hunts, driving competitions, etc. that are partially hosted at 55 Waldingfield as it connects to the Julia Bird reservation, subject to any town regulations. As is done today, horse boarders can join

² General Conditions #18 should be amended to exclude the barn from the rental/leasing prohibition and allow for rental of the barn to a qualified third party with experience.

fellow equestrians and guests out at the Julia Bird reservation where they can park their trucks and trailers and ride out to the trails.

Careful consideration will be used when construction commences at the farm house and the barn. There are several facilities in the area that can be rented on a monthly, semi-annual or seasonal basis to move the horses and clients during the renovations. Additionally, some boarders may take their horses south during the construction process.

11. 250-Foot Setback.

Reply: We are in receipt of a lengthy legal opinion from FOW's counsel that disagrees with the Board's interpretation of what constitutes newly constructed buildings in the dimensional setback prohibitions and opposes the expansion/addition of the barn and farm house in their existing locations. FOW's position is that no addition or work on an existing building within the setback requiring a building permit is allowed.

We have stated previously that the case law supports the reasonable interpretation of the Planning Board distinguishing additions to existing buildings from newly constructed buildings and that the term "newly constructed" buildings has been distinguished from additions in past Planning Board decisions. In fact, a waiver was granted this year by the Planning Board for GEPD dimensional relief to BioLabs.

Ora has designed the additions in the area of the existing buildings to prevent new freestanding buildings from interrupting the open space vistas and the Planning Board has agreed with this principle. Setbacks are included in the Bylaw to protect adjacent properties and rights of way such as roads from buildings encroaching upon them. One of the main distinctions in this design is that we took into account the buildings in their existing locations that are presently within the Waldingfield Road setback. All of Ora's work is designed deliberately to be to the rear of the existing buildings, thereby maintaining the existing setbacks to the road, and not making the setback more nonconforming. Our proposed work will improve the physical conditions with the renovation of both buildings and returning the homestead to its historic form.

12. Operation and Maintenance of Landscaping Areas.

Reply: The rain gardens will also include an operation and maintenance program. The plan by Laura Gibson includes the rain gardens in the open space area with the specific operations and maintenance plans revised through August 1, 2022.

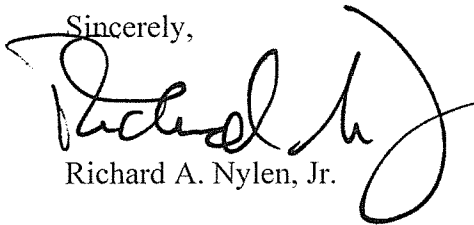
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13. Stormwater and Site Plan Peer Review.

Reply: We understand that Mr. Puff, the Town's Peer Reviewer, has completed his review and there is no need for further review. The Site Plans that include revisions to Mr. Puff's final punch list items will be provided to the Board by Charlie Wear under separate cover.

Please contact me if you have any questions prior to the August 11, 2022 public hearing.

Sincerely,



Richard A. Nylen, Jr.

RAN/kad

cc: Stuart Abelson, ORA, Inc.
Jennifer Williams, Director, Special Projects/ORI, Inc.
John Harden, AIA LEED AP – Principal/Olson Lewis + Architects
Charles E. Wear, III, PE/Hancock Associates
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