

DRAFT DECISION DISCUSSED BY THE BOARD 8/11/22 AND UPDATED 9/6/22 BY PLANNING DEPARTMENT STAFF FOR PLANNING BOARD CONSIDERATION AT ITS 9/8/22 MEETING



TOWN OF IPSWICH

IPSWICH, MASSACHUSETTS 01938

PLANNING BOARD

CERTIFICATE OF VOTE

Special Permit and Site Plan Review Approval

Applicant: Ora, Inc.

Property Owner: Finkelstein, Arthur J, Trustee for the Waldingfield Real Estate Trust

Subject Property: 55 Waldingfield Road (Assessor's Map 62, Lot 014 0)

DATE, 2022

Pursuant to the authority vested by *Sections V., Use Regulations and IX.H, Great Estate Preservation Development (GEPD), X. Site Plan Review, XI.J, Special Permits*, as well as but not necessarily limited to, *Sections VII. Off-Street Parking and VI. Table of Dimensional and Density Regulations, of the Protective Zoning Bylaw of the Town of Ipswich*, the Planning Board grants this Special Permit and Site Plan Review approval (hereinafter referred to as "the Decision"), including the waivers described below, to Ora, Inc. (hereinafter referred to as "Ora, Inc." or "the Applicant"), and to their heirs, successors, and assigns, for uses described in the GEPD Bylaw for a Great Estate Preservation Development at 55 Waldingfield Road, Ipswich, MA. The property is located within the Rural Residence A (RRA) District.

APPROVED PLANS AND DOCUMENTS

All application materials and submissions are incorporated by reference into this Decision and all plans, as noted below, are incorporated by reference into this Decision.

- *Site Development Report, prepared by Olson Lewis + Architects, 07/30/21*
- *Traffic Impact Study, prepared by GPI, 07/09/21, supplemented 10/15/21*
- *Open Space Sketch, prepared by Ora, Inc., submitted 02/09/22*
- *Permit Site Plan Phase 1A, prepared by Hancock Associates, revised through 8/3/22*
- *Stormwater Report Phase 1A, prepared by Hancock Associates, revised through 8/22*
- *Permit Site Plan Phase 1B, prepared by Hancock Associates, revised through 8/3/22 (sheet 4 revised 8/8/22)*
- *Stormwater Report Phase 1B, prepared by Hancock Associates, revised through 8/22*
- *Permit Site Plan Phases 2 & 3, prepared by Hancock Associates, revised through 8/3/22*
- *Stormwater Report Phases 2 & 3, prepared by Hancock Associates, revised through 8/22*
- *Rain Garden Planting Plans, prepared by Laura Gibson, 04/09/22*
- *Waldingfield Planting Plans, prepared by Laura Gibson, 09/21/21, revised through 05/24/22*
- *Waldingfield Maintenance Key, prepared by Laura Gibson, 7/10/22*
- *Waldingfield Landscape Maintenance, prepared by Laura Gibson, 8/1/22*
- *Site Lighting Plan, prepared by Ora, Inc., 05/12/22*

- Letter to the Planning Board summarizing the Special Permit, Proposed Findings, prepared by Richard A. Nylen, Jr., dated 6/2/22
- Architectural Plans for Phases 1A, 1B, 2 and 3; "Ora at Waldingfield"; prepared by Olson Lewis + Architects, consisting of 16 sheets (included in 6/2/22 document referenced above)

PUBLIC HEARING PROCESS AND VOTE

The subject application was filed with the Town Clerk on July 12, 2021. The Board opened a duly advertised public hearing with respect to the application on August 5, 2021, and, with the consent of the Applicant and the Board, the Board continued the hearing on August 26, 2021, September 9, 2021, September 23, 2021, October 21, 2021, November 10, 2021, December 2, 2021, December 16, 2021, January 6, 2022, January 12, 2022, January 27, 2022, February 10, 2022, February 17, 2022, April 28, 2022, May 19, 2022, June 9, 2022, June 16, 2022, July 21, 2022, August 11, 2022, September 6, 2022 and [REDACTED], when the Board closed the public hearing. At the Board's meeting on [DATE], 2022, the Board voted to to conditionally approve the application for the Special Permit and Site Plan Review, including the waivers described below, based on information provided by the Applicant, input from Town departments, consideration of testimony given during the public hearing from the Applicant and the public, input from the Board's peer review engineers, the Design Review Board, Open Space Committee, Historical Commission and others.

SPECIAL PERMIT FINDINGS

The Board makes the following Special Permit findings:

1. The use requested, a Great Estate Preservation Development for business and professional offices (*IX.H.2.i*), a conference center including meeting rooms and overnight lodging for business invitees (*IX.H.2.c*), agricultural and equestrian uses, a health and wellness center for employees and business invitees (*IX.H.2.e*), and dining facilities to primarily serve employees and visitors (*IX.H.2.j*), on a lot in the Rural Residence A (RRA) District, is permitted by Planning Board Special Permit pursuant to *Section XI.H. Great Estate Preservation Development*.

The subject property and project are eligible for consideration as a Great Estate in accordance with *Section IX.H.3.a* of the Zoning Bylaw for the following reasons, which are expanded upon below. The subject property, consisting of 39.9 acres, was once part of a larger estate that had a land area greater than 60 acres on January 1, 1948. Portions of the former estate were donated to the Essex County Greenbelt Association for conservation purposes. The Historical Commission certified the historic and architectural significance of the Mansion, Barn, Farmhouse, Schoolhouse, Carriage House, and landscape features on 12/10/2021. The property includes more than 30,000 sq. ft. of floor area within existing buildings. The Mansion, constructed prior to 1/1/1948, contains more than 12,500 sq. ft. of floor area.

2. The application materials include sufficiently detailed, definite, and credible information to show that the Board's granting of this Special Permit, as conditioned, is consistent with the intent of the Zoning Bylaw. As noted above, the Applicant submitted plans and documents including but not limited to civil engineering and stormwater, landscape architecture, building architecture, lighting, a traffic impact analysis, a description of the anticipated fiscal impact of the project, and utility plans. The Board makes this determination based in large part on the input of third-party peer review consultants (the Board hired a third-party transportation engineer

and a civil engineer) as well as Town Staff.

3. Provided that the Applicant meets the conditions of approval described below to the Board's satisfaction, in the Board's opinion the benefits of the project to the Town will outweigh any potential adverse effects of the project. In making this determination, the Planning Board applied, in accordance with *Section XI.J.2* of the Zoning Bylaw, the following Special Permit criteria:

a) *Social, economic, or community needs served by the proposal*

In May of 2021, Town Meeting amended the GEPD section in the Zoning Bylaw knowing that it could make the subject property eligible as a GEPD project site based on a desire to provide alternative development scenarios to other potential development scenarios permitted on this site (such as a residential subdivision, which may or may not have protected the existing historic buildings and which likely would not have protected the existing landscape to the extent this GEPD project will protect it).

The Planning Board finds that the Applicant's project will serve an economic and community need by creating employment opportunities, enhancing and diversifying the Town's tax base, and by sensitively reusing a significant estate property in a manner that satisfies the purpose of the Town's GEPD Zoning Bylaw section.

The preservation of the historic and architecturally significant buildings and landscape will ensure that the property will be enjoyed by residents, not merely private parties. The Applicant will be permanently protecting critical open space for the protection of existing viewsheds of the property as well as for the benefit of the public for public access and for wildlife and environmental protection. While the Applicant will be protecting the required minimum 40% of the lot as open space, when adding in an existing 8.8 acre conservation restriction, the result is that 62% of the total lot area will be permanently protected open space. The Town's 2021-2036 Community Development Plan identified the subject property as a farmland preservation priority property, which the Applicant will achieve through its open space protection.

b) *Potential fiscal impact, including impact on Town services, tax base, and employment*

While a significant tax revenue increase is not a condition of the Board's approval, the Board finds that the project would have a positive fiscal impact on the Town by increasing local employment, including construction and service jobs, and enhancing and diversifying the Town's tax base. The project will enhance the real estate value of the historic property with its rehabilitations and reconstruction of the five significant historic and architectural buildings. Over a period of time the property tax value is expected to increase based upon the proposed work. The project is not anticipated to generate a significant increase in public safety response based on the similarities of the project with other existing businesses in Town and experiences with those other uses. The project will not add school-aged children or result in significant demand for water. Adding an employer in Town is anticipated to bring desired customer traffic to Ipswich's downtown and other businesses throughout Town.

c) *Traffic flow and safety, including parking, loading*

While the Board recognizes the significant historic and aesthetic value of Waldingfield Road, the Board finds that the project will not create unsafe conditions on Waldingfield Road or surrounding intersections and roads. While the project will generate new vehicle trips, including trips associated with construction and services related to the maintenance and operation of the property, the Applicant will take appropriate measures to mitigate these additional vehicle trips and the Board's conditions of this decision will further mitigate the impacts of additional vehicle trips associated with the project. The Applicant's employees will work on a primarily remote basis and will not be required to work in the office. The Applicant is limiting

the number of parking spaces on the site to 90, which is a reduction of 30 from what is required (this is subject to the Board allowing a waiver of Section VII of the Zoning Bylaw, addressed below). The Applicant will utilize off-site parking downtown to reduce trips to and from the property, and the Applicant will encourage employees to use the commuter rail and shuttle. The interior vehicular maneuvering configuration, including parking and drives, has been designed to promote safety and convenience, as well as to protect existing vistas and site features.

d) *Adequacy of utilities and other public services*

The Applicant has made adequate provisions for utilities and public services by its elimination of fossil fuels, its connection to the public water supply and water conservation measures, the connection of its fire suppression system to the Town's municipal water system, and its provision for public safety vehicle access. The project has been reviewed by the Town's DPW, Electric Light, Police and Fire, Water and Public Health Departments.

The Applicant will collect, treat, and discharge stormwater at rates less than pre-construction conditions to ensure infiltration and to reduce discharge off-site. The stormwater management facilities have been designed in conformance to the Massachusetts Stormwater Standards and in accordance with the Ipswich Stormwater Bylaw to ensure that post-development runoff does not exceed pre-development runoff rates. The project uses a pea-stone surface for all drives and parking areas, and relies on natural stormwater infiltration systems for treatment and recharge to groundwater. The Applicant will implement dust control and stabilization measures during construction, including sweeping and the use of water trucks. The project will not use any automated irrigation except during the initial planting phase. The project eliminates fossil fuels and will rely upon electrification with a commitment to reduce carbon emissions. A new three phase electrical service will be installed by the Ipswich Electric Light Department. The project will also use modern thermostat control systems for reduced energy usage, and sustainable waste management including composting. The project will use rain barrels to capture, collect, and reuse rainwater. Buildings will be made solar-ready. Conversion of existing lawn to pollinator meadows will enhance habitat and reduce water use. The Applicant will use low flow interior appliances and toilets and will follow LEED management practices during site work, construction, and future building uses. The Applicant will use municipal water for domestic purposes and comply with the Town of Ipswich Water Use Mitigation Program.

e) *Compatibility with neighborhood character*

The project is consistent with and will enhance the neighborhood's character. The project will retain the historically and architecturally significant buildings and landscape and will create new open space access opportunities for the public. Sixty-two percent (62%) of the property will ultimately be permanently protected open space and development is sensitively concentrated where buildings already exist. The location and size of additional buildings and parking areas have been designed to protect the views into the property from Waldingfield Road and abutting properties. This has been achieved not only by protecting open space but also by not proposing to develop in other areas that might otherwise compromise the landscape qualities of the site, such as the paddock behind the barn. The proposed buildings with enhanced vegetated screening will improve the existing vegetated buffers, increase neighborhood privacy, while protecting views of existing meadows and horse paddocks. The project has been designed to mitigate impacts to the natural environment by avoiding work within wetland resource areas, work in the flood plain, work on steep slopes, and in forested areas. There will be no outside storage of refuse or debris.

f) *Impacts on the natural environment:*

The project will not have a significant adverse effect on the natural environment, in that the proposed

project will preserve much of the view corridor along Waldingfield Road, as well as preserve significant portions of the open and wooded areas on the site.

The Applicant has proposed to retain and restore existing buildings rather than raze and reconstruct buildings to reduce its carbon footprint. The Applicant will be energy retrofitting the existing buildings to reduce carbon with high performance windows, new cooling systems, electric appliances, and air sealing improvement; implementing renewable energy sourcing, including solar energy; installing high efficiency water fixtures; obtaining LEED building certification for energy and water efficiencies; converting to 100% electric; selecting building materials with less carbon and chemical emissions; replacing invasive plant species with native plants and protecting the majority of existing trees; reducing and converting the lawn and turf to pollinator meadows and plantings; designing rain gardens using only native plants; protecting the formal gardens; and, limiting the grading associated with stormwater and septic designs to reduce impacts on the natural and built environment.

g) *Minimization of water demand in accordance with the Board of Water Commissioners' Water Use Mitigation Program regulations*

The project, by its employment of water-use conservation measures and compliance with the Town's Interim Water Use Mitigation Plan requirements, which are under the authority of the Select Board, will meet this standard.

The Applicant is taking the following measures to conserve water and minimize water use: commitment to Low Impact Development drainage design including rain gardens, infiltration systems, naturally occurring infiltration areas, converting lawn areas into meadows, and using semi-pervious pea-stone surfaces for parking and access drives; drought tolerant and "deer resistant" plantings for landscaping; no permanent irrigation system used on the site; high efficiency low flow water fixtures for proposed plumbing systems; the water drawn for the Town water supply will discharge to septic systems on-site resulting in at least 85% of all water used returning to the aquifer; stormwater harvesting will be employed for non-potable use, including equestrian uses; and, natural water filtration.

GEPD SPECIAL PERMIT CONSIDERATIONS

4. The GEPD, by its design and layout, satisfies the Board's Special Permit Regulations for uses requiring a GEPD Special Permit in the following ways:
 - a) The project preserves open space for conservation and/or recreation purposes, and creates public access to the open space. This is achieved by the Applicant proposing an additional 40% of the property as permanently protected open space in addition to creating public access to existing open space through a trail network on the property. The project will create an approximately one-mile trail around the perimeter of the property;
 - b) The project protects natural features of the land, which are important to the character of the Town and provide wildlife habitat and help protect the Ipswich River. This is achieved by preserving much of the view corridor along Waldingfield Road, carefully managing stormwater recharge, keeping exterior lighting

to a minimum and directing it downwards, and keeping newly developed areas adjoining existing developed areas; and

- c) The project preserves the buildings, structures, and landscape features of the great estate. This is achieved by the Applicant’s renovation of the five certified historic buildings on the site and the preservation of the significant historic landscape features on the property.
5. The total site is 68.87 acres. This consists of 39.9 acres of 55 Waldingfield and 9.72 and 19.27 acres that were given to the Essex County Greenbelt Association in 1972 and 1982, respectively. The GEPD site area as defined by *Sub-paragraph 3.b.(iii) of Section IX.H* of the Zoning Bylaw is 39.9 acres.
 6. The rehabilitation and renovation of the existing buildings on site, including the Farm House, Barn, School House, Mansion, and Carriage House that have been deemed “historic”, totaling 30,900 square feet, shall qualify for the bonus as specified in *Sub-paragraph 3.b.(ii) of Section IX.H*.
 7. The Board approves the application for rehabilitation and renovation of 30,900 square feet of existing buildings and the construction of not more than 53,000 sq. ft. of new floor area. The approval of the new floor area is based upon the Applicant’s qualified renovation of all existing historic buildings on the property, which affords a GEPD applicant a 5 sq. ft. of floor area multiplier for every sq. ft. of qualified floor area rehabilitation or renovation.
 8. The “phasing time frames” as set forth in *Sub-paragraph 5.f of Section IX.H* of the Zoning Bylaw for this application are:
 - a) Phase 1A: 2,000 square foot renovation and connection of the existing Mansion and Carriage House, with an addition to the Mansion and removal of existing apartment on second floor of the Carriage House. To be commenced within two years of final approval.
 - b) Phase 1B: 21,000 square foot renovation and expansion of the existing Barn and Farmhouse, with an addition to both the Barn and the Farmhouse. To be commenced within two years of final approval.
 - c) Phase 2: 15,000-20,000 square feet of new construction building, being a health facility, café, and meeting and collaboration space.
 - d) Phase 3: New construction building not to exceed 10,000 square feet, which will be connected to Phase 2, being additional collaboration space.

	Existing	1A	1B	2	3
Total Building Floor Area	30,900	31,833	46,218	65,000	75,000
Total Parking Spots	12	40	70	90	90

This Special Permit approval is for construction contemplated in Phases 1A, 1B, 2, and 3. The maximum building floor area for the property is limited to the formulae described in *Section IX.H.3.b.i* and *ii* of the Zoning Bylaw. By applying the formulae and the limitation on maximum density in *Section IX.H.3.b.iv* to eight percent (8%) of the area of the 39.9 acre lot, the total allowable floor area at the property is 124,000 sq. ft. (subject to Planning Board Special Permit).

9. Section IX.H.5.d.vi of the Zoning Bylaw prevents newly constructed buildings, other than gatehouses, to be constructed within 250 feet of a public way. The Applicant has proposed rehabilitating and adding to the rear of

the existing single-family home and barn in Phase 1B. The Planning Board does not consider the rehabilitation and expansion of the single-family home and barn to qualify as newly constructed buildings in a GEPD, as that term is not intended to apply to additions to existing buildings. Furthermore, the Planning Board supports the rehabilitation and expansion of these buildings because doing so is consistent with purposes a, b and c of Section IX.H.1. Purpose. Among the purposes of the GEPD bylaw are encouraging the preservation and appropriate development of existing buildings and landscapes of GEPD sites. Rehabilitating and expanding the single-family home and barn in the manner proposed by the Applicant avoids the need for building this additional floor area and associated parking areas, utilities, and other site work elsewhere on the site. The proposal makes efficient use of buildings and previously developed areas. The Planning Board recognizes the input of the Design Review Board, which supported the Applicant's proposal to expand the barn and single-family home, in making this determination.

SITE PLAN REVIEW FINDINGS

The Board's granting of this Decision is based on its determination that the site plan makes adequate provisions to satisfy the general Site Plan Review standards set forth in *Section X.C* of the Zoning Bylaw, as described below:

1. *Traffic circulation and access*

Internal traffic circulation is adequate, and is organized along the existing driveway. Site access as shown on the plan meets site distance standards. A new entry will be created with safety in mind and to take advantage of better sight lines. Parking is provided at Phases 1A, 1B, 2, and 3, with a requested reduction of 30 spaces overall.

2. *Pedestrian safety and access*

Pedestrian access within the site is adequate. Pedestrian access to the site is available from a new off-street parking area, and via existing trails on abutting properties.

3. *Off-street parking and loading which is in compliance with the applicable requirements of the Protective Zoning Bylaw*

The plan provides 90 total parking spaces for all phases of the project. The required number of spaces per *Section VII* of the Zoning Bylaw for the project is 120. The Applicant has requested a waiver from the Board to provide fewer spaces than are required and the Board grants this waiver for the reasons discussed below in the Waiver and Conditions sections.

4. *Emergency vehicle access*

Emergency vehicle access to the site is adequate. In his 7/28/21 memorandum to the Board, the Police Chief indicated that traffic circulation and access would be improved and, while the number of vehicle trips would increase as a result of the project, that increase would not cause a public safety concern. The Fire Department indicated that it is satisfied with vehicle access in a 7/20/22 email to the Planning Director.

5. *Storm water drainage, based upon a professional engineering report, utilizing on-site absorption, and low impact development integrated stormwater management practices wherever practical*

The proposed stormwater management plan has been reviewed and approved, with conditions, by the Board's consulting engineer as being adequate to accommodate surface runoff from the site. The Applicant's stormwater management plans include soil testing, inventorying and identifying the watershed areas and catchments, utilizing existing landscapes and contours, calculating the stormwater generated by storm events, designing rain gardens to collect and treat stormwater and meeting the MassDEP regulatory stormwater standards. In addition to rain gardens, the design includes rain gardens, infiltration systems, and low impact development to maximize stormwater infiltration.

6. *Water supply and sewage disposal adequate to support the intended use(s)*

The project is to be connected to the municipal water system and must comply with the Water Use Mitigation Program. The property is served by an existing septic system and the Applicant will construct a new septic system, to be approved by the Board of Health.

7. *Screening, including the use of natural features and vistas*

Screening as proposed is adequate. Screening is provided for all parking and the Applicant has used the existing mansion and trees to screen the Phase 2 and 3 buildings from the view from Waldingfield Road and abutting properties. The natural features, including the open pasture to the west, the pasture to the east, historic formal gardens, meadows, and a tree line and riverfront area associated with the Ipswich River, will not be disturbed.

8. *Signage and exterior lighting*

Provided the Applicant complies with the conditions of this decision, signage is adequate. Exterior lighting will be LED, full cut-off and Dark Sky principle compliant and has been presented to the Design Review Board, which recommended approval with the exception of the moonlighting proposal. Moon lighting for the allée and any changes will be reviewed by the Design Review Board per the conditions listed below.

9. *Visual impact of parking, storage or other outdoor service areas*

By designing a majority of the parking toward the rear of the developed portion of the site and by designing a landscape that will provide adequate screening, the visual impact of parking areas will be low to nonexistent. The existing outdoor areas associated with the Barn, Carriage House, and Mansion will be retained and protected.

10. *Consistency with character and scale of surrounding buildings*

By agreeing to certain limits and conditions, the proposed buildings are consistent with the character, height, scale and historic and architectural qualities of existing buildings on the property and in the surrounding neighborhood.

11. *Energy, water and resource efficient design, such as appropriate building orientation, landscape design, use of solar or other energy collection apparatuses, electric vehicle charging stations, LED light fixtures and use of resource-efficient materials and energy- and water-efficient systems*

The proposed conservation measures as outlined are adequate. The Applicant will be retaining and restoring

existing buildings; energy retrofitting the existing buildings to reduce carbon with high performance windows, new cooling systems, electric appliances, and air tightness improvement; selecting buildings with Southwest views for solar energy production; using high efficiency water fixtures; obtaining LEED building certification for energy and water efficiencies; reduce the need for new materials; 100% electric conversion; selecting building materials with less carbon and chemical emissions; replace invasive species with indigenous and local varieties; and, the reduction of lawn and turf by increasing meadow and plantings.

WAIVERS

Off-Street Parking Supply Reduction

The Applicant has requested, and the Planning Board hereby grants, a waiver to reduce the required parking supply of 120 spaces by twenty-five (25%) to 90 spaces. The Planning Board grants this waiver pursuant to its authority in *Section VII.K* of the Zoning Bylaw based on the Board's determination that the special circumstances of the development permit a lesser standard than otherwise allowed. The specific special circumstances of the project include but are not necessarily limited to the nontraditional office use, the Applicant's commitment to controlling visitors, and utilization of an off-site shuttle for employees.

CONDITIONS OF APPROVAL

The Planning Board's approval of the Special Permit and Site Plan Review application is subject to the following conditions:

A. GENERAL CONDITIONS

1. The location to which this Special Permit applies is 55 Waldingfield Road, Ipswich, Massachusetts. The property is more fully described as Assessor's Map 62, Lot 014 0.
2. The Special Permit, or a true copy thereof, shall be furnished to a construction manager and posted in a conspicuous location at the subject property for which it is granted for the duration of construction for each phase. Said permit shall remain posted until a certificate of occupancy for each phase has been issued.
3. No amendment, alteration, waiver, or other change in this permit shall be effected other than by an affirmative vote of at least four members of the Board, and, if the Board deems the amendment, alteration, waiver or change to be major, by the issuance of an amended Special Permit decision.
4. The Special Permit shall inure to the benefit of the Applicant, and bind their successors and assigns, and shall be deemed to run with the land.
5. This decision shall not relieve the Applicant of complying with any other requirements not explicitly addressed by this decision. All applicable state and local laws, bylaws, codes, and rules and regulations shall be complied with, and the Applicant shall obtain all other necessary licenses, permits, and variances required for the project.
6. Project construction will be limited to the hours of 7 AM to 6 PM on Monday through Friday, and between the hours of 8 AM and 4 PM on Saturdays. Construction on Sundays, State holidays (i.e., New Year's Day,

Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving, and Christmas), and during evening hours is expressly prohibited.

7. The Applicant is required to submit a construction sequence and logistics plan for the Board's review and approval prior to the issuance of a building permit. The plan shall include information such as construction vehicle routes and contact information of construction manager(s).
8. The Applicant shall take appropriate measures to limit construction debris and materials on the site and to prevent any building materials on public streets. In the event that debris or soil is carried onto any public way and/or abutting property, the Applicant and its assigns shall be responsible for all cleanup. All cleanups shall occur within twenty-four (24) hours after first written notification to the Applicant by Town Staff. Town Staff shall take all appropriate actions to ensure that the Applicant has made the public ways and any abutting properties free of dirt and debris. Such actions may include: project shutdown, (absent an emergency a 48-hour written notice shall be provided by the Town); Town cleanup at the Applicant's expense; or other measures deemed appropriate in the reasonable judgment of the Building Inspector, the Director of Public Works, or the Planning Director.
9. Construction related vehicles shall only be parked on the property, and, if that is infeasible, elsewhere only after receiving the permission of the Police Chief, who may impose reasonable requirements to ensure public safety.
10. Prior to the issuance of a building permit, the Planning Office Staff shall review and certify that the plans and materials submitted with the building permit application are consistent with those listed above and all applicable conditions listed herein.
11. If the commencement of the use granted by this Special Permit in the manner depicted on the approved plans and in accordance with this Decision is not begun within two years of the date hereof, the permit shall lapse as provided in *Section XI. Paragraph I* of the Zoning Bylaw.
12. The Applicant is responsible for trash and recycling removal from the property. This service will not be provided by the Town.
13. The comments and considerations contained within peer review engineer Bob Puff's final review memoranda (Phase 1A, Task 5, 7/12/22; Phase 1B, Task 4, 7/13/22; Phases 2&3, Task 3, 7/14/22) are hereby incorporated as conditions of this decision. The Applicant must revise the site plans submitted with building permit applications accordingly. Further, as recommended by Mr. Puff, all salt and de-icing chemicals must be stored in a building enclosure.
14. Prior to the issuance of a final certificate of occupancy for any building in the project, site and building improvements associated with the building's phase must be installed in accordance with the approved phasing plan submitted 7/15/22, to the satisfaction of the Building Inspector and Planning Office Staff. Further, an accurate "as-built" or record plan, certified by a registered professional engineer, shall be submitted. Said plan shall show the roads and drives, utilities, utility services, drainage system, recorded public access easements, recorded conservation restriction boundaries, signage locations, and other site improvements as actually constructed. Moreover, said "as-built" plans shall specifically indicate that the topography of the site and the drainage patterns existing on the site after construction conform to those shown on the above-referenced site plans and landscaping plan. Said plan shall indicate the record location of all services as actually installed.

Sufficient ties (including depths for water, storm sewer, and sanitary sewer mains, shown as profiles) shall be provided to allow for accurate identification and location.

15. Before the “moon lighting” program on the allee may be implemented the Applicant must obtain the Design Review Board’s approval. The Planning Office staff will only authorize the Building Inspector to issue a permit for this work following the DRB’s approval.
16. No lighting or sound amplification is permitted for the Amphitheater without the Board’s approval. The Board reserves the right to impose limitations that exceed the limitations of Chapter 145 of the Town’s General Bylaw (Noise Control).
17. Solar panel installation must be reviewed by the Design Review Board and approved by the Planning Board prior to their installation.
18. This decision approves Phases 2 & 3 in the manner depicted on the approved plans listed above, however, final architectural and use/water plans for Phases 2 and 3 must be reviewed by the Design Review Board and Water Department Director and endorsed by the Planning Board prior to the issuance of a building permit for these phases. Particular attention shall be given to the location of structures and construction areas for these Phases in relation to Conservation Restriction boundaries and trail locations.
19. This decision shall not be construed to approve any activities that violate the existing 1972 Julia Bird Conservation Restriction.
20. Events, overnight guest accommodations, and other uses are to be limited to employees and company guests. Rental use of the property is not allowed, including but not limited to any private, non-profit, and/or public commercial events such as weddings, or through third-party rentals. This condition shall not apply to rental of the barn to persons experienced in horse and barn management or to equestrian events hosted by the property owner. Any equestrian events allowed as part of this exception will require review and approval of the grantee of the Conservation Restriction should the areas intended to hold such events include any or all portions of the Conservation Restriction.
21. No change of use will be permitted on the subject property without the Planning Board’s approval, including but not limited to clinical research or other uses associated with the Applicant. This condition shall also prevent the transfer of the property to a different owner with a different use or the owner leasing the property to a different user with a different use without the Board’s approval through an amendment to this Decision or a new Special Permit.
22. Prior to the commencement of construction, the Applicant must obtain the Planning Board’s Scenic Road approval for the alterations proposed within the Waldingfield Road right of way.
23. Any trees removed that have not been approved by the Board as shown on the approved plans listed above will need to be replaced with trees (type, size, location) satisfactory to the Board, except hazardous, dead, dying or diseased trees, which may be removed with the Planning Director’s approval, and discretion as to whether they need to be replaced. No trees are to be removed in any area of the property within Wetlands Regulatory Jurisdiction without approval of the Conservation Commission or within the area of the Conservation Restriction without approval of the Conservation Restriction Grantee.

24. The Applicant shall include the Open Space Committee and Open Space Program Staff relative to the open space elements of the project as it pertains to review, approvals and acceptance of the following: trail design and construction plans; trail and access easement language; and, conservation restriction language.
25. The Applicant must clearly demarcate on the ground the boundary of all conservation restriction areas, wetland boundaries, and riverfront areas on site for the entirety of the project's construction.

B. DRIVES AND PARKING

26. The Applicant shall insert a provision into its employee handbook or equivalent whereby employees and their guests will be discouraged from using Mill Road, Highland Street, and Goodhue Street for purposes of traveling to and from the site.
27. The Applicant has committed to off-site parking for approximately 20-30 employee vehicles and utilizing a shuttle to help offset the increase in vehicle trips associated with the project. Accordingly, the Applicant must present a copy of a written agreement with a landowner with property in a commercial or industrial zoning district to the Planning Board for its approval prior to the issuance of an occupancy permit for Phases 2 and 3 and thereafter future property owners must obtain the Board's approval of alternative parking arrangements.
28. Onsite parking is limited to 90 vehicles, exclusive of the public parking area for accessing the public trail.
29. The public access parking area is to be utilized for public parking only. Employees, guests, barn tenants, and other affiliates of the company are limited to use of the aforementioned designated parking spaces and shall not park in the public access parking area.
30. Ora shall provide data collected from Envoy, its workplace platform or its equivalent, annually to the Planning Board commencing within 6 months of the occupancy of Phases 1A and 1B showing the average number of employees on-site daily and the average number of parking spaces utilized daily (weekdays).

C. UTILITIES

31. In cooperation with the Ipswich Fire Department and Water Division, the Applicant shall connect the fire protection system in its buildings to the Town's municipal water supply prior to the issuance of occupancy permits for all buildings requiring sprinklers. The Applicant shall install a fully addressable alarm system in all buildings after consultation with the Fire Department as to the details of said system.
32. The Applicant shall cooperate with, and abide by the requirement of the Department of Utilities in the design of the water supply system details within the Property, including the proper location of water services and water meters, and in maintaining a suitable water system.
33. Any sewerage disposal systems for future buildout shall be located outside of the conservation restriction area.
34. The stormwater management and erosion control systems will be maintained in accordance with the O&M Plans listed above.

35. The Applicant has committed to eliminating fossil fuel use on the property. Accordingly, the property is never to be reconverted to fossil fuels by its current or future owners. This condition shall not prohibit the use of emergency generators.
36. No irrigation systems aside from those which utilize on-site runoff are permitted on the property. No use of Town water or well water for irrigation is permitted.
37. At a minimum, the Applicant must use rain barrels or similar roof runoff capture for future use, including watering.
38. The applicant must obtain approval from the Water Department for review of updated water use figures and mitigation and minimization strategies prior to commencement of construction of Phases 2 and 3, and the project must comply with Water Use Mitigation Program regulations that are in place at the time of issuance of building permits for the first phase in the project.
39. Any water necessary for or used for a swimming pool associated with the project must be trucked in and must not use municipal water for this purpose.

D. CONSERVATION RESTRICTION AREAS: NEW & EXISTING

40. The Applicant has provided the Board with a surveyed plan (**SHEET REFERENCE, DATE**) setting forth the required open space, which shall be kept, in perpetuity, in an open or natural state as conservation land in accordance with *Section IX.H.5.c* of the Zoning Bylaw. The Applicant shall make the land subject to a conservation restriction to be held by an eligible and qualified open space conservation organization as provided in the aforementioned section of the Zoning Bylaw.
41. The conservation restriction shall be prepared in accordance with the provisions of Section 31 and 33 of Chapter 184 of the General Laws of the Commonwealth of Massachusetts.
42. Prior to issuance of any building permit the applicant and the conservation restriction grantee shall have come to an agreement on the conservation restriction language and provide a copy of that document to the Board for its endorsement.
43. The conservation restriction shall be approved by the Commonwealth of MA and recorded prior to the issuance of any certificate of occupancy for the GEPD use of the property.
44. At a minimum, the conservation restriction shall clearly define any improvements and maintenance responsibilities for the protected open space areas including, but not limited to: formal garden maintenance plan, rain garden maintenance plan, trails, pasture maintenance plan, etc.
45. Areas of the property historically used for agricultural purposes, such as grazing, may continue to be used for those purposes under terms and conditions to be more clearly defined in the CR. However, there shall be no industrial-scale agricultural activities.
46. All current and future development, use, construction and maintenance on the property, and vegetation removal, shall comply with the terms of the existing Julia Bird Conservation Restriction and the conservation restriction required under this Special Permit. The boundaries of all protected open space/conservation

restriction areas shall be permanently demarcated with signage identifying the area as permanently protected conservation area. All sign designs and locations shall be submitted to the Planning Board and Conservation Restriction Grantees for review and approval prior to installation. All signs shall be installed prior to issuance of any occupancy permit for the project.

E. PUBLIC ACCESS AND TRAILS

47. Prior to granting occupancy for any phase of this project, the Applicant must grant access and trail easements, separate from the conservation restriction, to allow public access and use, including but not limited to horses, pedestrians, leashed dogs, bicyclists, and other passive recreation. At the discretion of the trail easement holder and with consultation with the conservation restriction grantee, certain uses deemed not to be in the public interest or safety, in the designated trail and public access areas may be limited. These easements shall encompass the proposed public parking area and new trails, as well as all existing trails or accesses which might not grant public access in their current state (e.g. Julia Bird Reservation trails, main driveway entrance, and twenty foot access easement along the eastern property boundary).
48. The public easements for the trails and parking areas shall be conveyed to a qualified non-profit organization such as Essex County Trails Association.
49. The Applicant or any future owner is responsible, in perpetuity, for the construction and maintenance of the public trails and parking area. Any new trail locations will be determined by joint decision of the owner and trail easement Grantee, with consultation of the Open Space Committee and the grantee of the respective Conservation Restriction, and submitted for endorsement by the Planning Board. All publicly accessible trails and the public parking area shall be permitted, constructed and open to the public prior to granting occupancy permits for any phase of the project.
50. All trails shall meet state and local environmental standards and should provide access to the general public, including ADA accessibility where feasible. No condition within this section (E) shall be interpreted to limit or prohibit ADA accessibility to the public access areas unless identified for safety reasons at the discretion of the easement grantee.
51. The Applicant shall allow the public, free of charge and in perpetuity, to use the trail network on the property between sunrise to sunset.
52. The Applicant shall designate and construct a free public access parking area in the location designated for public parking on the applicant's plans, which will provide parking for 5-6 non-trailer vehicles along the southern border trail off of Waldingfield Road. The property owner shall be responsible for maintaining accessibility to the parking area, and ensuring that parking is for those utilizing the public trail, and not overflow parking for the property owners, employees, barn tenants, and guests of the property, by posting signage or other means approved by the Planning Board.
53. Where trails cross driveway or parking areas, the applicant shall provide means of pedestrian safety such as a crosswalk, signs, bollards, etc. or a combination thereof at the recommendation of the grantee of the easement.
54. Prior to the issuance of any building permit for the project, the Applicant shall provide a plan to the Planning Board for its endorsement showing all proposed signs for conservation restriction boundaries, trails, and

parking areas. Prior to providing the plan to the Board, all signs shall be endorsed by the grantees of the conservation restrictions and public access easements. Signs located along Waldingfield Road, but outside of the public right of way, shall inform passersby, including motorists, that the property provides public access via pedestrian and equestrian trails. All signs shall be installed prior to issuance of any occupancy permits for the project.

55. After sixty (60) days written notice to the Planning Board and with approval of the entity holding the trail easement, and the entity holding the conservation restriction for any portion of the trail within the restriction area, the Applicant may relocate portions of the trail network following a finding by the Board that the relocation maintains continuous connections with the trails on adjacent properties, and that the new trails continue to be suitable for all of the purposes stated herein. All existing trails shall remain open, maintained, and designated in a public trail easement until a point at which an alternative trail is designed, approved, permitted, constructed, granted, and opened to the public.

A copy of this Decision shall be filed with the Town Clerk of the Town of Ipswich, and one copy shall be emailed to the Applicant. This decision may be appealed pursuant to Section 17 of Massachusetts General Laws Chapter 40A.

This permit shall become effective only upon the Applicant's recording a copy of this Decision of the Planning Board, certified by the Town Clerk of Ipswich, with the Southern Essex District Registry of Deeds, as required by Massachusetts General Laws, Chapter 40A, Section 2.

Executed this ____ day of **DATE**, 2022.

I, Toni Mooradd, certify that I am Chair of the Planning Board of the Town of Ipswich, Massachusetts, a Planning Board established pursuant to Massachusetts General Laws, Chapter 41, Section 81A, and I further certify that this decision was approved by the Planning Board at its meeting of **DATE**, 2022 and that the Board has authorized me to sign decisions on its behalf.

Toni Mooradd, Chair
Ipswich Planning Board