

IPSWICH PLANNING BOARD

MEETING MINUTES

Meeting remotely using ZOOM

Thursday, January 6, 2022

7:00 PM

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a remote meeting of the Ipswich Planning Board was held on Thursday, January 6, 2022, remotely using ZOOM. Board members Carolyn Britt, Jeffrey Anderson, Mitch Lowe, Toni Mooradd, Helen Weatherall and Associate Member Laurie Paskavitz were present. Staff Ethan Parsons and recording secretary Odile Breton were also present.

Britt convened the meeting at 7:01 PM with a quorum present.

Britt requested an acknowledgement of attendance for all members present.

Citizen Queries: None noted.

Announcement of Chapter 91 license application by Town of Ipswich for work on Topsfield Road right of way within waters of the Gravelly Brook

Britt made the announcement of the Town's Chapter 91 application. She noted Gravelly Brook runs from Willowdale State Forest under Topsfield Road to the Ipswich River. For information on the project, please contact the Planning Department.

Request by Bruce Jewett for ANR Plan endorsement for plan of land at 20 Spring Street (Assessor's ID 31C 115A)

Larry Graham (H.L. Graham & Associates) presented the ANR plan. He noted it is a six-acre parcel with frontage on Spring Street and Highland Avenue. The plan proposes to divide the lot. Lot A1 would be approximately 3.1 acres and Lot A2 would be approximately 2.7 acres with frontage on Highland Avenue. Graham noted the lots meet dimensional requirements. There is a proposed easement across Lot A1 to Lot A2. There is access to utility easements. No curb cuts are proposed on Spring Street.

Britt asked what controls are available to not increase run-off. Graham responded that development of Lot A2 will trigger Town Stormwater Management regulations. No further comments.

Lowe moved to approve the ANR plan as presented and Mooradd seconded. The motion passed unanimously.

Documents: ANR Plan of Land prepared 12/29/21 by Donohoe Survey

Continued Public Hearing: Public hearing to hear input relative to potential amendments to the *Planning Board Special Permit Regulations*

Mooradd revised the draft based on feedback from the Board. She suggested reviewing specific sections this evening that have open items. The draft version reviewed is dated 12/10/2021.

Section A. Standard Criteria – Mooradd noted that wording that was added under I and Z does not appear in the bylaw and asked if it should be added to the regulations. Lowe stated it is important for the applicant to state how the criteria is met. Parsons said the added wording is not inconsistent with the bylaw.

Section B. Guidance for Determining if Special Permit criteria are met – Mooradd noted that wording was added for guidance to applicants. Mooradd reviewed sections 1 – 6 under Section B. She explained that standards in site plan review and other regulations were referenced. Board members noted the wording should state “current” references. Anderson is concerned about repetition in the bylaws and regulations. Mooradd noted that site plan review regulations were not added but referenced.

Britt requested the Board review all the changes and provide feedback. No public comment noted.

Lowe moved to continue the public hearing to January 27, 2022, via ZOOM at 7:00 PM and Weatherall seconded. The motion passed unanimously.

New Public Hearing: Request by Helen Moore VonOehsen and William VonOehsen for a Special Permit to convert an accessory structure into a dwelling unit at 48 Turkey Shore Road (Assessor’s Map 42A Lot 55), which is located in the Rural Residence A District, pursuant but not necessarily limited to *Sections V, IX.P and XI.J of the Zoning Bylaw*

Britt opened the public hearing. Jeff Anderson is recused, and Laurie Paskavitz is appointed a voting member on this application.

Helen and William VonOehsen, Michelle Karam (Project Architect) and John Morin (Morin-Cameron Group) were present. There is a proposed renovation on the existing home which will be reviewed by the APDC and a proposed conversion of an existing structure to a dwelling unit. The project is also before the ICC (Ipswich Conservation Commission) as the property has several protected resource areas. Several structures on site do not have foundations and are supported on footings. The proposed new structure is 34x26 and will have one bedroom and one bathroom. The driveway is proposed to be circular with two curb cuts for access to the main house and the dwelling structure. The project proposes a smaller footprint of 14,205 cubic feet and 14,304 is allowed. The dwelling unit will potentially be used for on-site help or family use.

Morin noted the property is served by Town utilities. By Board approval, the conversion can be a demolition and re-build. Britt noted the conversion unit requires a payment to the Affordable Housing Trust. Parsons reviewed the requirements.

Britt requested to schedule a site visit before the next meeting. It was noted the ICC tentatively scheduled a site visit for January 14, 2022, at 11:30 AM. Britt asked Parsons to confirm the Board could do a site visit at the same day and time.

No public comment noted.

Lowe moved to continue the public hearing to January 27, 2022, at 7:00 PM at meeting using ZOOM. Weatherall seconded. The motion passed unanimously.

Documents: 12/8/21 Special Permit application including 12/12 narrative, existing conditions analysis, Morin-Cameron site plan 12/13/21 and Barn Yard elevation drawings

Continued Public Hearing: 50-56 Market Street LLC for a Special Permit for a multifamily residential development (adding 5 townhouses to an existing multifamily dwelling property) at 50-56 Market Street (Assessor's Map 42A, Lot 202), which is located in the Central Business District, pursuant but not necessarily limited to Sections V.D, VI, VII, IX.I, IX.K, and XI.J of the Zoning Bylaw

Anderson is recused. Paskavitz was appointed as a voting member for the application when the public hearing was opened on October 21, 2021.

Kevin Perelli (owner), Ken Savoie (Savoie Nolan Architects) and John Morin (Morin Cameron Group) were present for the application. Peer review comments related to access and travel through the site were reviewed. There is a 21 ft. drives aisle proposed and the bylaw requires 22 ft. Morin stated the swept path analysis noted the 21 ft. aisle works for the site and a waiver is requested. Morin did state it is possible to provide a 22 ft. aisle between buildings. It is an option that can be re-visited. Morin noted the access to the site is an existing condition. The project would like to eliminate the second sidewalk and not to do grading. Lowe requested the applicant to provide a revised layout instead of just saying something doesn't work. Lowe questioned the landscape plan and said it did not appear to agree with the swept path analysis. He noted the analysis appears to go into the plantings and there are turning path issues. Mooradd understands the swept analysis but noted people may find it cumbersome to maneuver on the site and not do a three-point turn. The peer review noted snow storage is not adequately addressed. Morin noted that snow can be moved to the front lawn or be removed from the site.

Britt commented that the project doesn't fit on the site. Lowe suggested removing one unit from the rear building and re-center the building. He said that would resolve a lot of problems. The site is tight. Paskavitz noted that she has been vocal about the density of the site and concerned about the waivers requested. She said it is presumptuous of the applicant that all waivers will be granted.

Britt noted more feedback from the Fire Department will be received. Lowe requested a revised plan with a 22 ft. drive aisle and the applicant's responses to peer review comments.

Parsons noted an extension is needed since the public hearing opened on October 21, 2021.

Lowe moved to continue the public hearing to January 27, 2022, at 7:00 PM at a meeting using ZOOM and approve an extension for the application to January 28, 2022 and authorize Ethan Parsons to sign the extension on behalf of the Board. Weatherall seconded the motion. The motion passed unanimously.

Documents: Puff Task 2 Report and 12/22 Morin-Cameron plans and stormwater report

Continued Public Hearing: Ora, Inc. for Site Plan Review, and a Special Permit to use 55 Waldingfield Road as a “Great Estate” for business purposes pursuant to Section IX.H of the Zoning Bylaw. The proposal involves the alteration of more than 2,500 sq. ft. of commercial space as described in Section X.B.1 and the increase of required parking spaces by more than 10 as described in Section X.B.3 of the Zoning Bylaw, as well as associated site work, at 55 Waldingfield Rd. (Assessor’s Map 62, Lot 14), located in the Rural Residence A Zoning District, pursuant but not limited to the sections of the Zoning Bylaw cited herein as well as XI.J

Britt noted voting members for the application are Anderson, Lowe, Weatherall, Mooradd and Britt. Chip Nysten, attorney representing Ora, Inc., John Harden, architect (Olson Lewis), and Jennifer Williams, Project Manager for Ora, Inc. were present for the applicant.

Britt provided a summary of items received from the applicant, citizens, and Friends of Waldingfield. Britt requested reviewing open space and floor area. Britt asked if Ora, Inc. has any new information on the open space land proposal. Nysten said Ora, Inc. is in discussions with parties regarding open space and preservation and would like to discuss open space at the January 12, 2022, meeting. Nysten noted the Historical Commission provided a letter regarding historical value of buildings and landscaping on the site. Ora, Inc. would like to review gross floor area and sustainability this evening.

Nysten discussed gross floor area. He said when the GEPD bylaw was drafted, floor area is defined as the aggregate gross floor area of all floors of all principal and accessory buildings. The site needs 30,000 sq. ft. to qualify as a Great Estate. It does not state areas must be habitable. “Existing” floor area indicates it is accessible and functional. Harden presented a chart on gross floor area and reviewed the amounts. Nysten stated the site meets the gross floor area requirement. Britt noted the definition of gross floor area has been modified several times since the 1970s.

Anderson said the applicant has done a deep dive and provided detailed information on the existing buildings. Anderson said the applicant meets the 30,000 sq. ft. requirement. Mooradd agreed. Weatherall disagreed and does not feel the applicant met the requirement using the correct definition and has further questions. Britt asked what questions Weatherall has. Weatherall explained she is concerned with the definition of gross floor area being used and is not in line with the definition that other municipalities use. Britt said she has worked with other communities and agreed that definitions can vary. Lowe is satisfied the applicant meets the 30,000 sq. ft. requirement.

Anderson moved to accept the revised gross floor area calculation as presented this evening (just under 31,000 sq. ft.) and this project meets the gross floor area requirement. Lowe seconded the motion. The motion passed with 4 votes yes and 1 vote no (Weatherall).

Britt noted the vote was for constructive purposes and is not a definitive vote. The vote is not binding. It is an indication from the Board on where the Board stands about gross floor area.

Public Comments:

Tad Heuer, attorney for Friends of Waldingfield, stated there is no definition of gross floor area in the Ipswich bylaw. When there are undefined terms, a person should follow rule to get to a definition. Other towns expressly exclude basements. Britt noted that no other town in the area has a GEPD bylaw. Weatherall noted that the GEPD was changed to accommodate the applicant. She is uncomfortable with additional adjustments to accommodate the applicant.

Jack Whittier, 35 Waldingfield Road, had a question regarding the Board vote and is concerned about the Board voting with an open legal issue on gross floor area.

Lowe said it is only open from the opponents of the project. The Board reviewed the information and has determined the applicant met the requirements. Lowe requested that the Board move on to other items. Anderson agreed that the Board should move on to other items for the project.

Harden introduced Ian Johnson, Sustainability Consultant (Linnean Solutions). Johnson discussed “Regenerative Design” and how it works with sustainability strategies such as renewable energy, LEED for high performance buildings and minimizing water usage.

Mooradd made a motion to continue the public hearing to Wednesday, January 12, 2022, at 7:00 pm at a meeting using ZOOM and Lowe seconded. *The motion passed unanimously.*

There is an extension request from the applicant to January 31, 2022.

Lowe moved to approve the extension to January 31, 2022 and authorize Ethan Parsons to sign the extension on behalf of the Planning Board. Mooradd seconded. The motion passed unanimously.

Documents: Public comments on Planning Department website, Hancock plan set and stormwater report, Puff Task 2 memo

Continued Public Hearing: 5 & 11 Washington St: Request by Triple Q LLC for a Special Permit and Site Plan Review for a 16-unit multifamily residential development at 5 and 11 Washington Street (Assessor’s Map 41B Lots 274 and 275), which is located in the General Business District, pursuant but not necessarily limited to Sections V.D, VI, VII, IX.I, IX.K and X of the Zoning Bylaw and associated regulations

Jeff Anderson is recused. Laurie Paskavitz was appointed a voting member for this application on September 9, 2021.

John Colantoni, John Duggar (architect) and Jim Juliano (attorney) were present for the applicant. Colantoni noted the project was presented to the Design Review Board (DRB) this past Monday. He said the DRB liked 13 units and provided some comments for the project. Colantoni reviewed the changes to the project since the last public hearing. He noted one unit was removed, a gathering area was created (200+ sq. ft.), and setbacks for the two units were reduced from 20 ft. to 10 ft. at the suggestion of the DRB. Colantoni noted six units will have roof decks, six units are 2000 + sq. ft., five units have a 1 car garage, eight units have a 2-car garage and 11 guest parking spaces. Units range from 1,295 sq. ft. to 2,500 sq. ft. He noted six units have kitchens on the first floor. Colantoni described the gathering area and how it was designed for use (seating, fire pit and grilling area). Duggar discussed exterior design and each building looks different.

Britt is concerned that the gathering space is in the face of two units. There could be perpetual users that could irritate residents of the two units. Several of the features of the gathering area are nice. Mooradd is concerned with how the 13 units proposed was presented to the DRB that she attended. She said there was a presumption by the applicant that the Board was good with the number of units. She does not feel as board that the number of units was agreed. She feels this project is denser than a 40R would be and has less affordable units (10 units with 2 affordable units). Mooradd feels the buildings are still too big for the space. Colantoni said the project cannot move backwards and it seemed clear to us to go forward with 13 units. We need 12 marketable units.

Lowé thinks the applicant did a great job with the changes and is comfortable with 13 units. Lowé asked about the setback by the train tracks. Parsons said it is a 20 ft. setback required and would require Board approval to reduce it to 10 ft.

Weatherall is sympathetic to Mooradd's density comments. Weatherall applauds the efforts made by Colantoni for each presentation. She is concerned about shaded areas not being utilized by residents. Paskavitz is concerned about the 13 units and said only one Board member made the comment about 13 units. Paskavitz thinks the updates are good. Paskavitz said the Board needs to come to an agreement about the number of units before moving forward.

Public Comments: Odile Breton, 9 Soffron Lane. Breton has a part time job with the Town of Ipswich but has no managerial or decision-making responsibilities for the Town. Odile thanked the applicant for the re-design. Breton agreed with Paskavitz that there was no agreed upon number of units from the Board based on minutes. Breton questioned the roof decks and noted there are no roof decks in the downtown area of Ipswich. She didn't feel it was necessary for units to have a patio, a balcony, and a roof deck. She asked if the roof decks were off indoor living space. Colantoni said the roof decks have running water and potentially a gas hook-up for cooking. He said people love outdoor space.

Britt said there was nothing definitive about the number of units. Parsons cautioned the Board about deciding the number units. He suggested commenting on the size of units, the massing of buildings, setbacks, footprints, landscaping and the density. The Board needs to have a strong basis for decisions. The DRB has not issued a final recommendation and the Board has not

engaged peer review. Parsons has not heard the Board articulate a reason based on protocols the Board is required to follow for decisions related to this issue. Weatherall said the number of units is not relevant, but the handling of the mass is important. Mooradd stated she made several requests for the applicant to reduce the size of units or reduce the number of units. The buildings are over whelming for the street.

Colantoni expressed frustration with the Board and said he is not going to spend more money on site work and drainage if the Board can't decide on the number of units. The project goes before the DRB on February 7, 2022. Juliano stated the project will move forward with 13 units. Britt said the application should move forward. Colantoni would like the project to go to peer review. Britt said that everything going on that site needs to be submitted for peer review (bulkheads, HVAC units, etc).

Paskavitz moved to continue the public hearing to a ZOOM meeting on February 17, 2022, and extend the Special Permit Review application timeline to February 17, 2022, and to authorize Ethan Parsons to sign the extension on behalf of the Board. Weatherall seconded. The motion passed unanimously

Documents: Site plan revisions 12/22/21 and architectural plans 12/29/21

Continued Public Hearing: Request by Jan Lindsay for a Special Permit to convert an accessory structure into a dwelling unit a 5 Old England Road (Assessor's Map 42D Lot 17), which is located in the Rural Residence A District, pursuant but not necessarily limited to Sections V, IX.P, and XI.J of the Zoning Bylaw

Parsons believes the applicant may withdraw. He suggested continuing the application and then he can communicate to the applicant that a withdrawal needs to be in writing.

Paskavitz moved to continue the public hearing without discussion to January 27, 2022, at 7:00 PM at a meeting using ZOOM. Lowe seconded. The motion passed unanimously.

Election of Board Officers

Britt is willing to stay on as chair through June 30, 2022. Mooradd is willing to be vice-chair. There will be a discussion at the January 12, 2022, meeting for meeting protocols.

Weatherall moved to appoint Carolyn Britt to be chair of the Ipswich Planning Board through June 30, 2022. Paskavitz seconded. The motion passed with 5 votes (Britt abstained).

Authorizing Board Chair and Planning Director to sign documents

Parsons said this is an annual vote.

Lowe moved to authorize the Chair, Carolyn Britt, and the Planning Director, Ethan Parsons, to sign plans and documents on behalf of the Planning Board. Mooradd seconded. The motion passed unanimously.

Adjournment

Lowe moved to adjourn and Mooradd seconded. The motion passed unanimously.

Meeting adjourned at 12:03 AM

Meeting minutes prepared by: Odile Breton

Adopted on: February 17, 2022