

IPSWICH PLANNING BOARD  
MEETING MINUTES  
Town Hall, Room C, 25 Green Street, Ipswich, MA  
Thursday, February 13, 2020 at 7:00 PM

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, February 13, 2020 in Room C at Town Hall. Board members Keith Anderson, Carolyn Britt, Paul Nordberg, Mitchell Lowe and Helen Weatherall were present. Staff Ethan Parsons was present. Kevin Westerhoff was absent.

Anderson convened the meeting at 7:02 PM with a quorum present.

**Citizen Queries:** None noted

**Application by Tony Traverso for Approval Not Required Plan endorsement for division of land at 38 East Street, Assessor's Map 31C, Lot 127**

Anderson stated the request is for a lot line adjustment to correct the prior plan version. It does not trigger any subdivision rules.

*Lowe moved to endorse the ANR plan. Nordberg seconded. The motion passed unanimously.*

*Documents: Plan of Land at 38 East Street, prepared by Atlantic Engineering & Survey Consultants, Inc., 2/5/20*

**New Public Hearing: Potential Zoning Amendments for 2020 Annual Town Meeting pertaining to Adult Use Marijuana Establishments, Registered Marijuana Dispensaries, and a clarification amendment for the Dimensional and Density regulations**

Anderson read the legal notice to open the public hearing. He stated the proposed warrant articles are for May 2020 Town Meeting. Anderson stated the proposed amendments were sent to the Select Board and referred back to the Planning Board for the public hearing. The first article is related to a citizen petition from Fall 2019 Town Meeting for certain recreational marijuana uses. The article would amend the zoning bylaw to establish regulations for recreational marijuana that would be similar to those for the existing medical marijuana regulations.

Article 1 - Parsons provided background on the legalization of marijuana in the state. He explained what is meant by "marijuana establishment". He stated there are many types of marijuana establishments, such as cultivators, transporters, processing and packaging, and retail. He stated municipalities can control the types of establishments and locations within the municipality where they are permitted. He pointed out the proposed amendments to the use table, which identifies what would and would not be permissible. There are only two zoning districts (LI and PC) that would be allowed to have marijuana establishments and retail establishments would be prohibited everywhere. Parsons stated the Commonwealth of Massachusetts has a lengthy permitting process for marijuana establishments and reviewed key items in the Commonwealth's regulations for marijuana establishments.

Article 2 – Parsons stated the article proposes amendments to the medical marijuana regulations so that medical and recreational regulations are consistent.

Lowe requested clarification on language related to independent testing facilities and asked how the testing occurs when other sections of the proposed amendment prohibit use on the premises. Parsons referred back to language in the Cannabis Control Commission (CCC) regulations. Lowe requested clarification on what “normal sense of smell” means and said this is subjective. Lowe also requested clarification on the surety requirement and asked who would define and determine a “sufficient amount” for a surety.

Nordberg stated the articles add structure. Britt asked for clarification regarding on site use. Parsons will review the CCC regulations for wording. Anderson stated that additional research will be done by the Planning Department for further clarification and there will be another public hearing session on the articles. The Board will continue to review the articles and identify areas that need to be strengthened. Anderson suggested one or two Board members form a subcommittee related to the proposed articles. The proposed articles need to go before the Finance Committee and the Select Board before Town meeting.

Article 3 – proposes clarification on dimensional density related to residential-mixed use and modifies the definition. Parsons stated that there may be a loophole in the table of dimensional requirements related to minimum lot size for mixed use in the HB District. Parsons stated the proposed amendment makes it clear that residential-mixed use must meet the dimensional and density requirements for each use on the property.

*Nordberg moved to continue the public hearing to February 27, 2020 at a meeting beginning at 7:00 PM at Town Hall in Room C. Britt seconded. The motion passed unanimously.*

*Documents: Planning Board article submission for 2020 Town Meeting, version 1/9/20*

**Continued Public Hearing: Request by Riverbend Propco, LLC for the Site Plan Review and Special Permit modification (to 9/13/12 decision) to construct 13,500 sq. ft. Addition consisting of 11 new units to the facility at 149 County Road (Assessor’s Map 53D, Lot 10), located in the Rural Residence Zoning A Zoning District, pursuant but not necessarily limited to Sections V.D, VI, X and XI.J of the Zoning Bylaw**

Anderson reminded the Board and Applicant that Lowe is recused from participating and noted that Westerhoff is absent. Weatherall has been appointed as a voting member. Anderson asked the Applicant to present any changes since the last public hearing.

Charlie Wear, project engineer, Lee Bloom and Attorney Chip Nylen, Applicant’s representatives, presented. Wear stated there were only minor changes since the last meeting. Additional plantings have been proposed at the rear patio as recommended. Bloom stated an EV charging station will be added but he’s not sure yet where it will be installed and that is why is not shown on the site plan. Anderson stated if it is not on the site plan, the Board could make its installation a condition.

Nordberg asked if the Affordable Housing Trust Fund Board (AHTFB) discussed this application. Parsons stated the AHTFB was supportive of the proposal. Parsons stated the Memo of Understanding (MOU) was amended in 2018 and refers to 8 affordable units. The MOU will be amended to refer to 9 affordable units. Parsons suggested the MOU be updated as a condition of the certificate of occupancy permit within the special permit decision.

Anderson noted the draft decision was sent to the Board members and Applicant prior to the meeting. Britt requested using language from the Conservation Commission conditions relating to the use of fertilizer. Anderson asked about the use of solar panels. Nylen stated the addition will be made structurally available to be solar ready however none are shown at this time. The use of solar panels needs to be feasible for the Applicant as well as acceptable to an abutter. Anderson stated solar panels are black and are not reflective. Bloom stated a consultant will be brought in to evaluate potential solar use and they can provide a copy of the report to the Board. Nordberg stated he is not comfortable with the Board requiring something that is not required in the bylaw. Parsons reviewed the draft decision. The addition is 13,500 square feet and consists of 11 units. Parsons stated the Design Review Board (DRB) reviewed the application and recommended the Board approve the addition. The applicant requested a 50% waiver for the parking requirement. The peer reviewer is satisfied with the stormwater management and drainage plan and requested additional ground water testing prior to construction of the infiltration system. Anderson suggested language regarding the solar feasibility assessment, which should include estimated energy generation, estimated costs and impacts to the neighborhood. Nordberg suggested that the Board should come up with a policy regarding solar feasibility and then apply it.

The Applicant asked for a reduction of the application fee and suggested paying \$1,500.00 since this is an addition. There were no objections from the Board.

*Britt moved to close the public hearing. Weatherall seconded. The motion passed unanimously (4 voting members).*

*Britt moved to approve the modification to the Special Permit and Site Plan Review as discussed and amended. Weatherall seconded. The motion passed unanimously (4 voting members).*

*Documents: Draft decision prepared by Planning Department staff, version 2/10/20*

- *Memo from Bob Puff to Planning Board, 2/10/20*
- *Riverbend Permit Site Development Plans, prepared by Meridian Associates, revised 1/24/20*

**Continued Public Hearing: Request by New England Biolabs, Inc for Site Plan Review and Special Permit modification to construct a new laboratory building of approximately 100,000 sq. ft., construction of a small utility, the construction of 97 underground parking spaces and 27 surface parking spaces, and the relocation of existing roadways on the property at 240 County Road**

Anderson reminded the Board and Applicant that Westerhoff is recused from the hearing as his employer is a structural engineering firm involved with the project. Anderson stated that Weatherall is recused as she is a direct abutter.

Attorney Don Greenough, representing the Applicant, Charlie Wear, project engineer from Meridian Associates, and Pat Norton, New England Biolabs, presented for New England Biolabs, Inc.

Anderson noted the Board completed a site visit. The Board walked the four corners of the new building as well as the proposed parking area expansions.

Wear stated the application went before the Conservation Commission on Thursday, February 6, 2020 for a public hearing. Wear discussed the peer review comments and recommendations. He stated the goal is to get revisions back to the peer reviewer and Board before the next scheduled meeting. Wear said the soil conditions did not change, however the reporting of soil conditions has changed so he will be making some changes to the plans and stormwater analysis.

Wear discussed the purpose of the temporary road and said the Conservation Commission is requesting DEP provide input relative to the road. He said that if DEP does not have an issue with the temporary road then the Conservation Commission will not have an issue. Wear said there are DEP stormwater standards that must be met. Wear said that the DEP standards that should be met are for construction periods because the road is temporary. He said the temporary road will be reserved for employees, visitors and deliveries. It will allow the Applicant to separate construction related vehicles.

Paul Flanagan of 21 Sagamore Road asked about the existing trails and if any trees will be cut down. Wear stated a few trees will be removed but not on trails and not ones that screen the campus from Flanagan's property. Flanagan asked about new lighting for the temporary road. Weir stated one temporary light will be added at the entrance.

Helen Weatherall, 44 Fellows Road, asked about the red markers on some trees. Wear said the red markers identify the wetland delineation. Weatherall said that she's detected odors from the site and asked if they could be explained. Nordberg stated there are appropriate channels to go through for nuisance odors and suggested the Board of Health or the Building Inspector could investigate. Lowe suggested the abutters record dates and times of odors. Anderson suggested contacting DEP. Britt said she also smelled strange odors while walking the trails in the area. She requested details on wastewater treatment since the laboratory size will be doubling. Wear noted that information was provided. The treatment facility is designed for 27,000 gallons/day. Currently, 5,000 to 6,000 gallons/day are being used. The system will remain well under capacity.

Anderson asked if there will be mechanical equipment on the roof of the addition. Norton said the back-up power generation system is limited to the utility building on the site. All other mechanical equipment will be on the roof.

Lowe said he has concerns about the additional parking area and encroachment on the brick wall. Wear said the parking lot expansion has the same grade and is 3 or 4 feet from the brick wall by the mansion. Lowe suggested providing more space to the brick wall.

Jim McCarthy, 35 Fellows Road, asked questions about additional parking. Wear estimated a 20% increase to the parking lot area. McCarthy is concerned, as a direct abutter, with a 20% increase in vehicle activity. He asked if there is a better place to add parking. He stated there needs to be some accommodations to abutters for vehicle head lights and noise.

Lowe said he is concerned with renewable energy sources, environmental design, and energy efficiency and how it is being addressed. Norton said sustainability is considered. Britt noted that abutters expressed concerns about lighting. Norton said there is a lighting control system and there are lights on for safety. The building lighting is extinguished at 8:30 PM. Anderson said there would be further discussions on these concerns as well as the Applicant's responses to the Board's peer review engineer at the next meeting.

*Nordberg moved to continue the public hearing to February 27, 2020 at 7:00 PM at Town Hall in Room C. Lowe seconded. The motion passed unanimously.*

*Documents:*

- *Bob Puff Memo to Planning Board, 2/6/20*

**Continued Public Hearing: Request by Symes Development & Permitting LLC for Special Permit and Definitive Subdivision approval for a 35-unit Open Space Preservation Zoning (OSPZ) Development at 173 Linebrook Road (Assessor's Map 29D, Lot 21), located in the RRA District, pursuant to Sections V, XI.A and XI.J of the Zoning Bylaw and the Rules and Regulations Governing the Subdivision of Land in Ipswich**

*Lowe moved to continue the public hearing without discussion to February 27, 2020 at 7:00 PM at Town Hall in Room C. Britt seconded. The motion passed unanimously.*

**Adopt minutes 1/9/2020 meeting.**

*Lowe moved to adopt the minutes of the January 9, 2020 meeting. Nordberg seconded. The motion passed unanimously.*

*Documents: Draft Minutes of 1/9/20 meeting*

## **Other Business**

- a. Staff and Board Member updates: Parsons stated March 2, 2020 is scheduled for a Planning Board business meeting to discuss procedural items. Anderson said the meeting will allow the Board to review procedures and how the Board communicates with other

Town boards. It is an open meeting at the Planning Office in Town Hall and will be properly posted with the Town Clerk.

- b. Parsons noted the second phase of the Community Development Plan is on its way.
- c. Parsons announced that there will be a Housing Forum on March 23, 2020 on Room A in Town Hall. He also said that June 15, 2020 is scheduled for the adoption of the Housing Production Plan and this will require a joint meeting with the Select Board.
- d. Anderson reminded the Board and audience that Town Meeting is scheduled for May 12.

*Documents: Memo from E. Parsons and K. Grubbs, Planning Department, to Planning Board, regarding CDP and Housing Production Plan*

**New Business: None noted**

### **Adjournment**

*Nordberg moved to adjourn at 9:16 PM. Lowe seconded. The motion passed unanimously.*

Minutes prepared by: Odile Breton

Minutes adopted: March 12, 2020