

## IPSWICH PLANNING BOARD

### MEETING MINUTES

Town Hall, Room C, 25 Green Street, Ipswich, MA

Thursday, March 12, 2020 at 7:30 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, March 12, 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 also present. Kevin Westerhoff was absent.

Anderson convened the meeting at 7:33 PM with a quorum present.

**Citizen Queries:** None noted.

**Announcement of Chapter 91 Waterways License Permit application by Town of Ipswich related to authorization for dredging, filling and installation of structures in association with infrastructure and coastal bank stabilization within the Ipswich River at County Street.**

Anderson stated the Town filed an application with the Massachusetts Department of Environmental Protection (DEP). Parsons stated the application is on file with multiple Town offices including the Planning Department.

**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 building, 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 audience that Westerhoff and Weatherall are recused on this case.

Attorney Don Greenough; Pat Norton, New England Biolabs Engineering and Facilities; and Charlie Wear, project engineer presented for the applicant. Lowe asked if the proposed upper parking lot expansion near the mansion is needed at this time. Wear said yes based on projected growth over the next five years. Greenough stated the construction will take up other parking and employees will need the parking spaces. The parking in the upper lot is mostly for employees in the mansion. Most employees enter the parking between 8 and 8:30 AM and leave around 5 PM. Wear stated the zoning bylaw requirement for spaces is based on the number of people working in the building. Wear added that the parking spaces are based on Biolabs' employment projection over the next five years. 507 spaces are required and 507 spaces will be provided at the completion of the project. Norton said Biolabs encourages ride share and alternative commuting methods. Norton stated that Biolabs provides a pick up and drop off for employees commuting on public transportation.

Britt inquired about the open space. Wear pointed out the open space and also identified the required setbacks. Greenough added that Biolabs funds maintenance and enhancements to the trails. One trail will be temporarily closed during construction. Britt suggested adding language to the decision to re-open the trail once construction is completed.

Wear discussed response to the peer review final comments and noted there were no requested revisions. He stated the peer reviewer recommended conditions to be included in the Special Permit decision.

Anderson read information from the Massachusetts DEP website regarding plan approval requirements for permits. He asked if Biolabs is required to go back to DEP for permits. Greenough confirmed Biolabs will have to go through the state permitting process.

#### Public Comments:

Rick Richter, 38 Fellows Road, said that everyone is in favor of re-instating the oversight committee required by prior decisions and would like a member of New England Biolabs to be a part of the committee. Richter asked about the next steps to take. Anderson said it is dependent on the wording in the decision. Greenough suggested a member from Biolabs could participate and said in the past it was the Safety Officer.

Chris Florio, 44 Fellows Road, supports including a member from Biolabs on the oversight committee. He asked about the plans for the next five years that Wear mentioned earlier. Greenough stated that the construction for this application is expected to take two years. Beyond the two years the building will be open and filled with employees.

Jim McCarthy, 35 Fellows Road, asked about the Board's authority regarding site plans, such as parking. Anderson acknowledged receiving an email from McCarthy. Anderson said the Board tries to work with the applicant for improved layouts. McCarthy asked what is different from the decision that was made four years ago with respect to the parking. He understands the expansion, however he noted that four years ago the Board was against expanding the upper parking lot as proposed currently because it would require too much clearing. McCarthy asked if there was any discussion over an alternative location. Anderson said there was no discussion for an alternative location and additional spaces, 17, are being added to meet requirements.

Florio asked if the parking spaces can be added to the underground parking. Wear explained that the underground parking cuts very deep into the hill and it would be very challenging to add 17 spaces underground.

Richter said it appeared Nordberg objected to the oversight committee and asked why. Nordberg said it is best to talk this topic through when reviewing the decision.

Anderson stated a draft decision was prepared and the applicant received a copy. Anderson explained the general contents of the draft decision. Parsons reviewed the draft decision emphasizing conditions and findings. Parsons stated that the decision does not negate conditions of other special permits and site plan review approvals. This is a modification of a Special Permit initially issued in 2001. The modification is for an addition of 100,000 sq. ft. to the laboratory

building, a small utility building and adding 124 parking spaces. Parsons stated the peer reviewer is satisfied with the storm water management plan subject to certain conditions, which are included in the draft decision.

Several edits were requested during the review of the draft decision. Nordberg asked about reports coming from a certified laboratory (3<sup>rd</sup> party consultant) related to sewer treatment plants. He asked if the reports require any special training to understand the reports or can anyone understand them. Wear said that was not his area of expertise but he believes the reports are fairly technical. Lowe asked if the reports include a summary. Wear believes the reports include a summary. Greenough said questions about the reports from the public should be addressed to the Town Health Agent.

Parsons described the trees to be removed and replaced. Greenough stated New England Biolabs is willing to work with neighbors on screening. McCarthy is looking for additional natural screening for the parking lot. Additional wording in the conditions was added for the applicant to work with abutters to develop natural screening between the existing surface parking lot and their properties.

Britt requested that language be added for species of trees to survive for conditions up to 500 miles south of Ipswich. This is due to the impacts of global warming. Parsons said the landscape plan is complete and the added language may require the landscape plan to change. The trees on the plan are native species from this area.

Britt inquired about lighting on the property. Norton stated certain lights must remain turned on overnight for security and employee safety.

The Board discussed wording related to the oversight committee. Based on his inquiries with Town staff and the former Planning Director, Parsons said the oversight committee stopped meeting in 2008. It was deliberate that the committee stopped meeting because of proactive measures taken by the Town to implement regulations in 2008 and 2009 that would essentially do the work of the Public Safety Oversight Committee. The Town adopted a hazardous material bylaw in 2008. Parsons recommended the oversight committee should be reinstated and should be focused on the biotechnological operations. It should not be expanded to include other matters that are regulated by the Special Permit.

Nordberg commented that communications between the Town, the community and New England Biolabs would be good. He said the Board does not have jurisdiction to enforce participation of the Town Manager and others. He encouraged the function of the committee and communications, but enforcement by the Board would not work.

Anderson stated that he understands the oversight committee intention was for public safety. By participating with and engaging the community, Biolabs will benefit by being involved with the oversight committee. He said it is good practice. Anderson suggested edits to the original condition, which included that the Safety Officer from New England Biolabs be on the committee. Anderson also suggested the name of the committee be changed to include New England Biolabs so that it is clear it is only applicable to New England Biolabs. Parsons stated

the Town Manager will appoint the neighborhood resident. Greenough stated the applicant does not object to revive the committee for its original tasks but does not agree with expanding its scope. Greenough stated the committee was formed before New England Biolabs was in Ipswich and many residents and Town personnel were concerned at the time. New England Biolabs has operated in Ipswich for 15 years and he stated there are no new processes. The addition to the building is to expand the core business operations.

Lowé said the decision does not specify who the committee reports to. Nordberg said that is the problem with jurisdiction. Parsons pointed out that special permit decisions are enforced by the Town Building Inspector but he didn't think enforcing that the committee meet would be appropriate for the Building Inspector. He noted that the Board and the Planning Department have no enforcement authority. Parsons suggested that the committee report to the Town Manager. Anderson suggested that minutes and reports from the committee be submitted to the Town Manager, the Board of Health and the Planning Department.

#### Public Comment:

Rick Richter, 33 Fellows Road, said the hope is to build neighborhood trust. He requested that the decision specify two meetings per year for the oversight committee. He also suggested the committee consider any safety concerns for the neighborhood. Norton stated that there is a daycare on site and safety is a priority for New England Biolabs.

Helen Weatherall, 44 Fellows Road, asked the Board to clarify if the original wording for the committee was going to be used or is the Board re-writing the language. Anderson said there is some new language for expansion and clarity. Anderson said it does not remove anything from the original language. She said the original version is well written.

Lowé noted that the original Special Permit documented time conditions and asked Parsons if those conditions were intentionally removed from the draft. Parsons stated that once he started working in the Planning Department, those conditions were not included in draft decisions because it is redundant. He said every special permit is now valid for 3 years by Massachusetts state law.

Parsons completed the review of the draft decision. Parsons noted neither the Police Department nor the Fire Department voiced concerns with the access road. Anderson added language related to the condition related to the certificate of occupancy.

*Nordberg moved to close the public hearing and Lowé seconded. The motion passed unanimously.*

*Nordberg moved to approve the modified special permit as edited and discussed. Britt seconded. The motion passed unanimously (4 votes to 0).*

#### Documents:

- 240 County Road draft decision, prepared by Planning Department 3/11/20
- Site Plan Set, prepared by Meridian Associates, 3/6/20 (8 sheets)
- Stormwater Management Report, prepared by Meridian Associates 3/6/20

**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.**

*Anderson said the applicant requested an extension to April 9, 2020. The Board consented to the extension.*

*Nordberg moved to continue the public hearing without discussion at the applicant’s request to April 2, 2020 at Town Hall in Room A. Britt seconded. The motion passed (Lowe abstained).*

**Continued 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.**

Lowe asked if Parsons had responses to the Board’s questions from the February 13, 2020 meeting. He said “on-site consumption” is equivalent to personal consumption, which has nothing to do with testing on-site. Personal consumption on-site is prohibited. Parsons explained the surety and bonding processes for establishments. The surety is determined by the permitting authority which would be the Planning Board. Parsons said smell is difficult to measure and could not find any more information on “normal sense of smell”. Anderson said the language allows the Town to address any complaints on odors.

Anderson said there were no questions from the Select Board on the proposed amendments. There were no additional comments, questions or edits from the Board. Anderson noted that there were no public comments.

*Lowe moved to close the public hearing. Britt seconded. The motion passed unanimously.*

Anderson said it appears the Board is in favor of the proposed amendments, however he would like Westerhoff to be present for the Board’s position vote.

**Adopt minutes of 2/13/2020 meeting.**

*Lowe moved to approve the minutes of the February 13, 2020 meeting. Britt seconded. The motion passed unanimously.*

*Documents: draft minutes of 2/13/20 meeting*

**Other Business**

- a. Housing Production Plan meeting scheduled for March 23, 2020 is postponed to a date to be determined.
- b. Parsons will prepare a draft report for Town meeting. The Report will be reviewed by the Board at the April 2, 2020 meeting.

- c. Britt attended a Public Safety Building Committee meeting and provided a summary.
- d. Parsons stated the state legislature is working on potential extensions for town meetings due to the COVID-19 pandemic.
- e. Parsons announced that the Town hired Christina Aubin as the new Housing Coordinator/Planning Assistant. She will work 19 hours per week.

**New Business:** None noted.

**Adjournment.**

*Britt moved to adjourn at 10:08 PM. Nordberg seconded. The motion passed unanimously.*

Minutes prepared by: Odile Breton

Adopted on: May 14, 2020