

Town of Ipswich
ZONING BOARD OF APPEALS

**Meeting Minutes
March 17, 2022**

Pursuant to a written notice posted by the Town Clerk and published in the Ipswich Local News, a newspaper of general circulation; the Ipswich Zoning Board of Appeals held a special meeting on Thursday March 17, 2022 at 7:00 p.m. remotely via Zoom Video Conferencing, in accordance with the Governor's 3.12.20 Order suspending provisions of the Open Meeting Law to promote public health and safety and social distancing during the public health emergency.

Members tuned in were Chair Robert Gambale, Benjamin Fierro, Rob Clocker and Julia O'Leary. Also, Administrative Assistant Marie Rodgers. Elliot Posada was not present with prior notice. Samuel Robertson was travelling and was listening only.

ICAM Video recorded.

Citizen Queries: There were none.

Chair announced Petitioner's request to continue 4 Winter St. in an email dated 3.17.2022.

MOTION: Mr. Gambale moved to continue the public hearing for 4 Winter St as requested by the Petitioner, to the June 16, 2022 meeting, via zoom at 7:00 p.m. Mr. Fierro seconded; the motion passed unanimously with a roll call vote.

Chair announced Petitioner's request to withdraw the petition for 146 High St, Jim Withrow, All about Signs, LLC in an email dated 3.17.2022. The new sign will be allowed within the allowed size and not internally illuminated.

MOTION: Mr. Gambale moved to withdraw the Petition for 146 High St. Mr. Fierro seconded; the motion passed unanimously with a roll call vote.

Continued Public Hearings:

3 West St. Richard E. Thompson, Jr. requests a special permit and/or variance pursuant, but not necessarily limited to, Sections V.I.F, Requirements for Accessory Buildings and Structures, and XI.J and K to construct an accessory structure exceeding 750 square feet in area (1,872 sq. ft. proposed) on a lot having less than five acres at 3 West Street, which is located in the Rural Residential A District (RRA) and shown on the Ipswich Assessor's Map 50, Lot 11. (continued from the February meeting)
Chairman Gambale read the legal notice and opened the public hearing at 7:09 p.m.

Mr. Fierro noted his absence at last month's meeting and updated the Board regarding the Mullin Rule: He signed an affidavit that he reviewed the video recording of the February 17, 2022 meeting of the Zoning Board of Appeals (attached to these minutes)

The Petitioner was present represented by Attorney Richard Kallman, who spoke to the supplemental information submitted in response the questions from last month's meeting concerning lighting, siding, driveway material and plantings on the berm.

Discussion took place concerning the height of the garage; due to the existing grade the garage height will be three feet lower than the existing dwelling height. The driveway will be surfaced with $\frac{3}{4}$ stone. No tree removal is proposed. The berm will shield the neighbor to the east and the Petitioner proposes to transplant pines from the property. Cut sheets were provided for lighting fixtures and locations were discussed.

The Board noted the parking of storage trailers on the property. Permanent placement is a zoning violation. Attorney Kallman assured the Board they will be relocated off site.

Discussion was held concerning the number and type of vehicles to be stored in the garage. Position and size of windows; no utilities beyond electricity was proposed. In addition to pines the Petitioner agreed to plant juniper trees; size and placement were discussed.

Mr. Fierro reviewed and the Board found the criteria for a Special Permit XI.J and found the application to be complete, providing sufficiently detailed information; specifically, various vehicles would be stored inside; no toilet, no hot water service; added vinyl siding similar to the house is compatible with neighborhood; minimal impacts on the natural environment.

Mr. Fierro reviewed and the Board made specific finding under section VI.F Requirements for Accessory Buildings and Structures. No parking issues; electric upgrade is nominal; design will be compatible with the existing dwelling and location shielded by a fifty-foot long berm which will minimize impact on the surrounding neighborhood; materials architectural plans support design and construction; metal roof color will match the existing home; no negative impacts upon the environment; proposed structure would not be detrimental to the neighborhood.

MOTION: Mr. Fierro moved the Board make the finding that the applicant has met criteria in XI.J.2; Mr. Clocker seconded, the motion passed unanimously with a roll call vote.

MOTION:

Mr. Fierro moved the Board grant the Special Permit as requested by the Petitioner to allow construction of a an accessory building not greater than 1,872 square feet not to exceed 25-feet in height; subject to Morton Building as designed on plans titled Allied Design Architectural & Engineering Group P.C.; building metal with vinyl siding to match the existing dwelling and metal roof matching the color of the dwelling; one man door and three garage doors two measuring ten feet and one twelve feet, all with windows; two windows on each end of the garage measuring 4'4" x 2'9"; four exterior lights as shown on plans; the garage for storage of the usual and customary to residential use and not for commercial use; planting on the fifty foot long berm for screening shall consist of six Juniper, and six pine saplings measuring three to four feet in height; all plans design

Engineering Group dated 12/2/21; driveway stone to be three quarter to one and one half inch in diameter; electricity and one outdoor water spigot only. Ms. O’Leary seconded; the motion passed unanimously with a roll call vote. Fierro, yes; Clocker, yes; O’Leary, yes, and Gambale, yes.

Documents and exhibits used by the Appeals Board: Petition and supporting documentation. Letter of support dated 2.3.2022 from abutter at 124 East St Topsfield Ma; email dated 2.16.2022 from Jim Bone Building Inspector; memorandum from Petitioner dated 3.8.22 9 pgs.

Public Hearing:

4 Marshview Road, Rebecca Fortado requests a special permit and/or variance pursuant to, but not necessarily limited to sections XI.J; and II.B 2 and VI.B Table of Dimensional and Density Regulations for relief from the left side setback required for a newly constructed deck (450 s.f.) located in Rural Residential A District (RRA) and shown on the Ipswich Tax assessor’s May 32A, Lot 002A.

Chairman Gambale read the legal notice and opened the public hearing at 8:05 p.m. He initiated discussion concerning the existing setbacks and making the determination if, the building is non-conforming. The Petitioner said Jim Bone, Building Inspector was her neighbor and she has all the dimensions, if needed. The current setbacks were discussed and dimensions of the existing deck and proposed deck were discussed at length.

The Board found that the building is conforming in all aspects, the lot is non-conforming. The Board determined the lot was unusual in shape after lengthy discussion of the lot configuration and interpretation of “irregular lot” vs the term ‘unusual’.

MOTION:

Mr. Clocker moved the Board find the lot is usual in shape; the left side setback has a second jog in it and is not perpendicular to the street and creates an unusual setback line. Ms. O’Leary seconded, the motion passed unanimously with a roll call vote.

The Board discussed the requested relief from the left side lot line of 34’3” for a proposed attached to the existing deck, same materials eight feet off the ground, with railings. It was determined to allow an extra foot for leeway – no closer than 33’.3”. The Petitioner acknowledged.

MOTION:

Mr. Fierro reviewed the criteria under section XI.J special permits and moved the Board find the proposal has met make beneficial substantial improvements of the property, the materials will be pressure treated wood, with steel piping rails, no lattice work, adverse effects are minimal, and the structure will be in character with the neighborhood. Mr. Clocker seconded, the motion passed unanimously with a roll call vote.

MOTION:

Mr. Fierro moved the Board grant the special permit as requested by the Petitioner from the provisions of the Protective Zoning Bylaw to construct a 15’ x 30’ deck addition to the existing deck; no closer than 33’3” to the left side property line, in accordance with plans titled Proposed Deck #4 Marshview Road – Donohoe Survey, Inc. dated 2.14.2022 and material submitted in the application. Mr. Clocker seconded; motion passed unanimously with a roll call vote.

Approval of Minutes:

Mr. Gambale moved to approve the meeting minutes of 2.17.2022 July 20 2021 Executive session meeting minutes. Mr. Fierro seconded; the motion passed unanimously. *(meeting minutes hereby incorporated by reference)*

New Business:

Discussion was held regarding the date of the April meeting. The Board determined to hold the April meeting on 28th via zoom or in town hall it will be posted at 7:00 p.m.

Adjourn - As there was no further business, the Board unanimously voted to adjourn at 8:55 p.m.

Respectfully submitted,

Marie Rodgers
Administrative Assistant

These minutes were approved by the Board on May 18, 2022 with minor edits.

Pursuant to the 'Open Meeting Law' the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting; the members present or absent; the findings made and actions taken. Any other description of statements made by any person, or the summary of the discussion on any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.