

IPSWICH PLANNING BOARD

MEETING MINUTES

Meeting in person

Thursday, August 10, 2023

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 (PB) was held on Thursday, August 10, 2023, at Town Hall in Room A. A roll call was taken confirming Board Members Toni Mooradd, Mitchell Lowe, John Crespi, Jennifer Crawford, and Associate Member Tom Hammond were present. Helen Weatherall was absent. Planning Director Brendan Conboy and Glenn Gibbs were present.

Mooradd convened the PB meeting at 7:01 pm with a quorum present. Please note all PB votes are done by roll call. Mooradd introduced Brendan Conboy who is the Town Planning Director.

Citizen Queries: None noted.

Request by Stephen and Charlotte Szaryc and Gail Ebinger for Planning Board endorsement of an Approval Not Required Plan at 10 Mill Road

The site plan was displayed. The plan combines three lots and no frontage will change.

Lowe made a motion to approve the ANR as presented and Crawford seconded. *The motion passed unanimously.*

Continued Public Hearing: Request by Town Manager for Site Plan Review; Special Permit for the use “Town Government Building”; and non-use Special Permits for 25% reduction of front parking setback requirement and alternative side & rear yard screening for the construction of a public safety building at 36 Linebrook Road, which is located in the RRA District and Water Supply Protection District Zone II, pursuant but not necessarily limited to Sections X,V.D, VII.K, VII.M.5, VI.E and XI.J of the Zoning Bylaw

Continued Public Hearing: Request by Town Manager for Site Plan Review/Special Permit for the construction of a public safety building at 36 Linebrook Road, which is located in the RRA District and Water Supply Protection District Zone II, pursuant but not necessarily limited to Sections V, VI, VII, and X of the Zoning Bylaw

Mooradd noted both the new public hearing and the continued public hearing will be reviewed together for these applications.

Ted Galante and Kristis Karklins (architects – TGAS Architects, Inc.), Bob Weatherall (Public Safety Facility Committee), Jamie Fay (Finance Committee), Attorney Amy Kwesell (KP Law), Police Chief Paul Nikas, and Fire Chief Paul Parisi were present for the public hearing.

Mooradd noted updated information was submitted yesterday by the applicant. Galante reviewed changes. He noted requests for crosswalks which are outside of the site plan. Works continues on screening with the abutter. The building is approximately 29,000 sq. ft. on an eight-acre lot. Galante said two stories of the building face Linebrook Road and three stories face the rear parking

lot. Galante compared the proposed building to other buildings in the neighborhood (such as Our Lady of Hope Church 29,591 sq. ft., three stories, 5.5-acre lot).

Mooradd noted the subcommittee met earlier today and Lowe provided a summary of the meeting. The discussion included sidewalk connections for pedestrian access and potential locations for crosswalks. It was noted the Town needs to do work in the neighborhood that is outside of the project (road re-alignment, crosswalks, signage). Traffic site lines and traffic flow were reviewed. Building materials were reviewed and material samples were brought to the meeting. Galante said overall the building is masonry (red brick with zinc panels). Lowe suggested that the architect continue to tweak the exterior design.

Parking was reviewed. It was noted that islands in the parking lot would take up a lot of space and are not needed for a single lane drive. Crawford noted the building materials are durable which may help reduce future maintenance costs. Galante reviewed the sample materials.

The seven criteria for a special permit were discussed. It was noted that mechanical units are located on the rear of the roof.

Attorney Amy Kwesell has been working with the PSFC for zoning requirements. A letter was prepared by Attorney Kwesell and sent to the PB. Attorney Kwesell reviewed the letter which includes how the project meets the special permit and site plan review requirements. Attorney Kwesell noted the special permit is discretionary but is limited to the criteria in the bylaw. Site plan review is to regulate the use. The principal is a public safety facility governmental building. The principal use is not a municipal parking lot or a storage facility or a government equipment garage. Parking lots and storage for this project are accessory use.

Crespi noted that the trees in the renderings are juvenile. Some of the trees will grow to 100 feet. Crespi noted that there is no walkable path to the building from the street. Fay said the Town needs to take a look at the area and it is a community effort to improve the area. Gibbs noted the decision will include a condition for the Town to continue working with the Shade Tree Beautification Committee and the Bicycle and Pedestrian Advisory Board.

Mooradd suggested adding a special meeting for this application. She requested the Planning Office to prepare a draft decision. Mooradd proposed the meeting for August 16, 2023 at Town Hall at a meeting beginning a 7:00 pm. It was noted that the applicant is seeking three variances from the ZBA which will meet on August 17, 2023.

Crawford made a motion to approve a special meeting for 36 Linebrook Road (Public Safety Facility) application to meet on Wednesday, August 16, 2023 at a meeting beginning at 7:00 pm at Town Hall. Lowe seconded the motion. *The motion passed unanimously.*

Public Comment:

Brian Hone, 29 Upper River Road, member of the Bicycle and Pedestrian Advisory Board, said it is a municipal building and pedestrian and bicycle accessibility to the building is critical. He suggested placing a crosswalk where people will walk. There needs to be something in place now

to address pedestrian and cycling needs. He suggested the PB add a condition requiring sidewalks in the front and side of the site be cleared of snow and ice.

Attorney Meredith Fine, 2 North Main Street, asked why the traffic study is being done after the approval. Mooradd said the traffic study is needed will be done with the realignment of the intersection. A full traffic study is not needed but certain parts will be done. The chiefs are primary controllers of for traffic and safety. Crawford noted that the outcome of a traffic study would not prevent the project from moving forward. Lowe said the traffic study is for mitigation and control purposes. It can help with working with the Our Lady of Hope Church and the neighborhood. It is to help mitigate potential traffic issues. Crawford said the traffic study can help tweak the project design. Attorney Fine asked if any testing had been done for air quality from diesel fuel. The emergency generator and fire trucks are diesel. Attorney Kwesell noted that air quality is regulated by the State. Attorney Fine asked about the stormwater management and noted the Conservation Commission has not issued a permit. Gibbs said the PB decision will have a reference to the Conservation Commission Stormwater Management Permit which the applicant will need to complete the project.

Georgia Martineau, 37 Linebrook Road, is speaking on behalf of Build It Right, requested a flagpole be installed to show the height of the proposed building. Mooradd noted the PB does not have authority to request the applicant to install a flagpole. Galante said the steeple of the church is taller than the height of the proposed public safety building. The maximum height in the RRA district is 37 ft. and the proposed height of the public safety building is 40.25 ft.

No further PB or public comments.

Crespi made a motion to continue the special permit public hearings to Wednesday, August 16, 2023 at Town Hall at meeting beginning at 7:00 pm and Lowe seconded. *The motion passed unanimously.*

Lowe made a motion to continue the site plan review hearings to Wednesday, August 16, 2023 at Town Hall at a meeting beginning at 7:00 pm and Crespi seconded. *The motion passed unanimously.*

New Public Hearing to Amend Zoning Bylaw The Planning Board will hold a public hearing relative to three proposed zoning warrant article for the Fall Town Meeting. Article 1 Accessory Apartment / Detached Unit Revisions (ADU) would Amend Section IX. of the zoning bylaw as follows: (a) increase allowed are of accessory apartment by 100 s.f. and remove bedroom/bathroom restriction in J.2.b; (b) remove prohibition on internal parking in ADU by eliminating U.3.iv; and (c) establish minimum rental term in J.2.o and U.4.d. Article 2: Drive-through Facilities would (a) Amend Section III. By adding definition of “Drive-through Facility”; and (b) amend Section V.D. by adding “Drive-through Facility” use and allowing it by Planning Board special permit in non-residential districts. Article 3: Miscellaneous Changes would (a) Amend “II.3” by deleting paragraph “e.” so as to require ZBA special permit for increasing height of nonconforming single/two-family structures; and (b) amend Footnote 17 to Dimensional & Density Table in VI. By changing building permit requirement for fences from 6 feet or higher to 7 feet and adding ZBA special permit requirement.

Mooradd said this is the first public hearing for the proposed articles. Jim Bone, Ipswich Building Inspector was present. Also present were Bob Gambale and Ben Fierro, who are both members of the ZBA but are speaking as citizens of Ipswich tonight.

Bone began the discussion by providing an example of a non-conforming building. He said in other communities, increasing the height of an existing non-conforming building can create an adverse impact on abutting properties. The increased height intensifies the non-conformity.

Fierro added under Chapter 40A (Mass G.L.), existing non-conforming structures have special protection. Existing non-conforming buildings may make changes that do not exceed the footprint of the building and height. An increase in the height of the non-conforming building may have adverse impact even if it does not exceed the height limitations.

Bone noted the MA Building Code increased the height of a fence that does not need a permit to 7 feet. Bone suggested that the Ipswich bylaw align with the MA Building Code. Fences over 7 feet in height may indicate an issue between abutters. Requests for fences over 7 feet in height would need a special permit from the ZBA.

Article 1 Accessory Apartments/ ADUs

The concern with the proposed changes is that MA general law does not allow accessory apartments to exceed 900 sq. ft. Gambale noted that accessory apartments used to be 750 sq. ft. Issues that have come up with increasing the square footage relate to difficulty in accommodating parking requirements. Also, larger scale units can be challenging to meet neighborhood character of a single-family home. It is not intended to look like a two-family structure.

Fierro noted with the 3A zoning and the current proposal for a 40B project, there is a potential for Ipswich to add over 1000 new housing units. Changes to accessory apartments are not needed at this time. Many 2-bedroom units do not exceed 900 sq. ft.

Fierro said short-term rentals (such as Airbnb and VRBO) are considered commercial use and are prohibited under the zoning bylaw. The ZBA notifies applicants of accessory apartment permits that the unit cannot be used for short-term rentals (not less than 28 days).

No further PB or public comment noted.

Gibbs said the Planning Office recommends not initiating Article 1 for Fall Town meeting.

Article 2 Drive-through Facilities

The proposed article adds a definition for “Drive-through Facilities”. A special permit is needed for a drive-through facility for non-residential districts. Mooradd noted that the Finance Committee seemed supportive of this article.

No public comment noted.

Hammond made a motion to continue the public hearing to August 31, 2023 at Town Hall in Room A at a meeting beginning at 7:00 pm and Lowe seconded. *The motion passed unanimously.*

Continued Public Hearing: Request by GCTH Ipswich, LLC for a Special Permit to install an irrigation well at the applicant's 251 Topsfield Road property (Assessor's Map 51 Lot 7), which is located in the RRA and Water Supply Protection Zone II A and C Districts, pursuant but not necessarily limited to *Sections IX.C and XI.J* of the Zoning Bylaw

The public hearing is being continued without discussion at the applicant's request. Gibbs noted the applicant has extended the hearing process.

Adopt Minutes July 20, 2023

Lowe requested an edit under the 36 Linebrook Road hearing.

Crawford made a motion to approve the July 20, 2023 minutes as drafted and amended and Lowe seconded. *The motion passed unanimously.*

New Business/Announcements

None noted.

Adjournment

Hammond made a motion to adjourn, and Lowe seconded. *The motion passed unanimously.*

Meeting adjourned at 9:45 pm

Meeting notes taken by: Odile Breton

Accepted on: August 31, 2023