

Approved 10.17.19
Distributed 10.30.19

ZONING BOARD OF APPEALS
Ipswich, Massachusetts

Meeting Minutes
September 19, 2019

Pursuant to a written notice posted by the Town Clerk and published in the Ipswich Chronicle, a newspaper of general circulation, the Ipswich Zoning Board of Appeals held meeting on Thursday September 19, 2019 at 7:30 p.m. in Room A, Town Hall, 25 Green Street, Ipswich, MA. Members attending were Chair Robert Gambale, Lewis Vlahos, Becky Gayton, Robert Clocker and Administrative Assistant Marie Rodgers. Associate Member Justin Planasch and new Associate Member Robert Tragert. Benjamin Fierro was not present. This meeting was recorded by ICAM.

Citizen Queries: There were none. Chair welcomed returning, new member Robert Tragert.

Continued Public Hearings:

30 and 34 Town Farm Road and 17 Locust Road - continued to 10.17.19

Chair announced the continuation of the public hearing for the Comprehensive Permit at **30 and 34 Town Farm Road** and **17 Locust Road** to the October 17, 2019 meeting at 7:30 p.m. in room A. Also, a request to extend the 180-day time limit to September 15, 2019. *Documents and exhibits used by the Appeals Board: request to continue to 10.17.19 meeting signed by Attorney Kallman.*

25 Pleasant Street – continued to 10.17.19

Chair announced the continuation of the public hearing for the Comprehensive Permit at **25 Pleasant Street** to the October 17, 2019 meeting at 7:30 p.m. in room A. Also, a request to extend the 180-day time limit to November 22, 2019. *Documents and exhibits: request to continue to 10.17.19 meeting and an Extension of Time to 11.22.19 signed by Paul Ross.*

26, 36, 38, 42, 44 Essex Road - Essex Pastures, LLC - continued to 10.17.19

Chair announced the continuation of the public hearing for the Comprehensive Permit at **26, 36, 38, 42, 44 Essex Road** to the October 17, 2019 meeting at 7:30 p.m. in room A. Also, a request to extend the 180-day time limit to October 31, 2019. *Documents and exhibits: request to continue to 10.17.19 meeting signed by John Smolak. Additionally, an Extension of Time to 10/31/19.*

120 County Road, ROLE Realty Trust, Roger LeBlanc, Trustee requests a special permit pursuant to II.B.1.a to alter the current non-conforming 'Hotel/Motel' use, to allow cooking facilities in rooms with non-transient occupancy (multifamily development), or alternately, request a variance under XI.K to change the current non-conforming, to primarily single room occupancy units, with a density of one per 1,375 square feet of land in the Highway Business District. (Assessor's Map 54A, Lot 9)

Chairman Gambale read the legal notice and re-opened the public hearing at 7:35 p.m. The Petitioner was present with his Architect Ken Savoie from Savoie and Nolan Architects

Discussion took place concerning the revised plan dated 9.12.19 showing location of patios and play area. Chair Gambale related concerns of the Fire Chief regarding the space between the fencing and privacy walls of 36 inches. The location of fencing and stairs were discussed.

Lengthy discussion was held regarding a proposed play area in response to the suggestion from the Affordable Housing Partnership; the location, access, screening no play equipment, possibly an emergency gate for access. The Petitioner proposes to place a bench as a landscape feature at the corner of the roadway.

The Petitioner related his conversations with the Planning Director Ethan Parson and Building Inspector Jim Bone, they reached consensus and established the use as non-conforming. A second means of egress in the storage area, was recommended by the Building Inspector Jim Bone.

Mr. Clocker requested clarification concerning which unit(s) would not have a patio; Petitioner affirmed units 16-22 will not have patios.

Mr. Planasch initiate discussion concerning the fencing and the Petitioner described the addition of PVC fencing, 72” high, on top of 30” block wall; the existing fencing was a screening requirement conditioned by the Planning Board.

Mr. Clocker then read into the record three letters from abutters. (hereby incorporated by reference)

Chair recognized abutter Joseph McGowan, 6 Essex Road who said he was speaking on behalf of the residence at 6 Essex Road. He expressed concern for the addition of the playground and opined that it made the proposal more detrimental to the neighborhood.

Discussion took place concerning how many children will live at the multifamily development. The Petitioner felt children would only be present in a situation where a single parent has visitation on the weekends. The surrounding areas have space for children to play. North Gate residence were concerned that the space would not be just for children but adult residence would use it as a gathering space.

The Petitioner offered to eliminate the patios abutting North Gate condominiums; “it will stay the way it is today”; a play area wouldn’t be necessary.

Mr. McGowan expressed his appreciation and consideration for the close proximity and noise issue.

The Petitioner indicated currently tenants do not have children and he expects it to remain the same. He offered an option to pay for a membership to the YMCA if a child were to stay over thirty consecutive days; he would deduct the money from the rent.

Mr. Gowan expressed concern over procedure. The Chair assured him the hearing would not close this evening and the regulatory agreement would be reviewed by town counsel.

Mildred Taffe, Verna McGowan, Janet Strimatis and others all direct abutters at North Gate Condominiums spoke in agreement with comments made by Mr. Gowan and thanked him.

Associate Member Tragert asked about proposed changes and the Petitioner confirmed he would eliminate the rear door and patios on the back side. Chair requested a cut sheet for the cooking units. The Petitioner added that he’s thinking about incorporating solar panels on the property.

Chair reported that both members Becky Gayton and Justin Planasch have submitted affidavits and comply with the Mullin Rule.

All parties agreed, to continue the public hearing to the next regularly scheduled 10.17.19 meeting in room A at 7:30 p.m.

Documents and exhibits used by the Appeals Board: 16 pgs. Dated 8.9.19 Memo – Supplemental Information 2; 8.23.19 letter (email 8.26.19) from Brian Goldsmith 6 Essex Rd, Unit 6; 8 pages of photos on site submitted by Mr. McGowan; Email dated 9.12.19 from Roger LeBlanc with attached revised Proposed Site Plans dated 9.12.19 Savoie Nolan Architects, LLC; Email dated 9.13.19 from Vicki Halmen Water & Wastewater Director; 9.16.19 letter emailed from Jacqueline Kronenberg Barry Fox, 6 Essex Rd unit #6; 9.17.19 letter from Mildred Taffe, 6 Essex Rd, Unit 12.

Old Business:

15 Broadway Ave, Michael Souter requested a modification to his Special Permit decision. Special permit was issued January 18, 2018 pursuant to Sections XI.J and II.B.2 to replace the existing garage. Due to financial constraints the Petitioner has purchased a smaller shed; the structure was never intended to be a garage. The new structure will measure 12'x16' located within the same footprint and no closer to lot lines.

MOTION:

Mr. Clocker moved the Board amend the special permit language to read “no larger than 14' x 24' and no closer than three feet all other setback in place. Mr. Vlahos seconded, the motion passed unanimously.

Documents and exhibits: previous site plan showing garage that was torn down, new proposed site plan showing the garage on which the special permit was granted and new modified showing a smaller shed 12'x16'.

33 Central Street Oak Hill Comprehensive Permit request for a modification.

Theresa Whitmore was present she is the building manager for Oak Hill. The request is to relocate the sign out front; closer to the road for better visibility. A photo of the current location was submitted, the proposed location and dimensions.

Discussion took place concerning a finding that it is a minor modification; 40B waives the bylaws for setback requirements.

MOTION:

Mr. Gambale moved the Board grant the waiver for the sign to be placed no closer than four feet to front setback; and allow the additional language at the bottom of the sign to identify senior housing. Mr. Vlahos seconded, the motion passed unanimously.

Approval of Minutes:

Mr. Gambale moved to approve and accept meeting minutes of 8.15.19 as amended. Mr. Vlahos seconded, the motion passed unanimously. *(meeting minutes hereby incorporated by reference)*

Adjourn - It was moved, seconded and unanimously voted to adjourn at 9:00 p.m.

Respectfully submitted,
Marie Rodgers
Administrative Assistant

These minutes were approved by the Board on October 17, 2019 as amended.

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.