

IPSWICH PLANNING BOARD

MEETING MINUTES

Remote Meeting using ZOOM

Tuesday, February 16, 2021 at 7:00 PM

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a remote meeting of the Ipswich Planning Board was held on Tuesday, February 16, 2021 using ZOOM. Board members Keith Anderson, Mitchell Lowe, Jeffrey Anderson, Carolyn Britt and Kevin Westerhoff (arrived late) were present. Britt and Westerhoff joined the meeting late. Anderson left the meeting early (8:05 PM). Helen Weatherall was absent. Staff Ethan Parsons and Kristen Grubbs were present.

K. Anderson convened the meeting at 7:05 PM.

K. Anderson noted the Board members that were present as well as Town staff, Ethan Parsons, Kristen Grubbs, and minute taker Odile Breton.

Citizen Queries: Toni Mooradd, 106 Central Street, had questions related to a potential citizen petition on proposing zoning bylaw changes. She specifically discussed density and the footnote 11 density bonus in certain districts of Ipswich. Mooradd and the Board discussed her request for to revise the zoning bylaw to decrease allowable density in the IR district. Mooradd stated the proposed change provides more flexibility to developments with existing single family homes and lessens the density for detached buildings. The proposal includes changing the cap of 25% for single family homes in a multi-family development to 33%.

Parsons said he had not researched the intent behind the cap of 25% for single family homes in a multi-family development. He is not aware of any pitfalls related to the proposal. There may be some issues, however he said he had not identified any yet.

Anderson asked if the Board should champion the proposal. Lowe read the proposal and stated he did not fully understand it and needs more time to understand the pros and cons. Lowe said the Board has not had enough time to understand the changes in order for it to initiate the article. J. Anderson agrees with Lowe and is unsure how the Board can react to the proposed change before the next meeting scheduled for February 18. J. Anderson stated the Board has to perform due diligence to better understand the proposed change.

Mooradd asked if the Board has time if she submits the proposal as a citizen petition. Anderson explained the process. He said the Board would have to initiate the article by February 18 and it would go to the Select Board. After the Select Board, it would come back to the Planning Board for public hearings. The proposal can be molded and discussed during the public hearings. The risk is the Board may not bring it to Town Meeting. He stated a citizen petition cannot be ignored and would be brought forward to Town Meeting.

Carl Gardner said a reason for the proposed change in the bylaw relates to the 108 Central Street proposed development to allow flexibility for the developer to put a duplex building on the site instead of requiring a three unit multi-family building. It is a simple request and provides design

flexibility for a project. He does not see any pitfalls with the request. He requested the Board do the necessary research to support the proposed change.

Anderson said the discussion relates to if the proposal should be a citizen petition. The petition needs ten signatures. J. Anderson asked for clarification on the 108 Central Street special permit application. He asked if the applicant could request to build a two unit structure behind the existing single-family home. Parsons said the current bylaws do not allow a detached two unit structure.

Mooradd questioned the calculation for the density bylaw. She provided an example: if a 29,000 sq. ft. lot has restrictions and only 5,000 sq. ft. is buildable, why does the density calculation include the full size of the lot? The calculation should only include the buildable portion of the lot.

K. Anderson encouraged Mooradd to bring the proposed change as a citizen petition.

Discuss potential zoning amendments for 2021 Town Meeting and other potential updates to Rules, Regulations, and Policies

K. Anderson noted Britt joined the meeting.

Energy Efficiency proposed article revisits what was proposed by the Board in the Fall of 2020. Parsons explained that language would be imbedded in the purpose section of the zoning bylaw that talks about reducing fossil fuels and adopting renewable energy resources. It also provides flexibility for encroachments within a setback for heat pumps and super insulated buildings. Specifically it would allow heat pumps to be located into a setback provided it is not located within ten feet of a window of a residence of an abutting property. The super insulated exterior wall exception would allow a reduction of up to one foot within a setback. Lowe asked how a super insulated wall is defined. Parsons asked if it is a building code term. Lowe said it is not a building code term and it needs to be defined to provide guidance to the Building Inspector. J. Anderson indicated it is tricky because sometimes highly insulated wall cavities are more about construction and layers. J. Anderson provided an example of a project he worked on where the wall was 18 inches thick but only 10 inches of it was insulated. The remaining cavity was for air flow. Britt suggested eliminating the term “super insulated” and replacing it with additional energy conservation measures. Lowe suggested the wording is vague. J. Anderson is concerned with providing guidance for the Building Inspector for various situations. J. Anderson said the quality of the building and the technology used need to be factored, which is difficult. J. Anderson added that the current Stretch Code has an energy efficient requirement for walls. Lowe confirmed the wording in the Stretch Code for insulation of residential buildings. He said the Stretch Code does not define the thickness of the wall and does not describe a “super insulated” wall. It provides the minimum insulation required. Lowe is concerned about putting building code requirements in the zoning laws. The current proposal goes beyond building code requirements. Items such as “super insulated wall” need to be defined to provide the Building Inspector guidance to understand the zoning law.

K. Anderson suggested working on the proper wording for the next meeting.

Payment in lieu / housing proposed article. Parsons stated that Jim Warner and Charlie Allen from the Housing Partnership and former Town Planning Director have contributed to the proposed changes. The article proposes to lower the threshold for requiring affordable units. The article also proposes to increase payment in lieu amounts. Lowering the threshold for affordable units is achievable by amending the zoning bylaw. Adjusting the payment in lieu can be done by adjusting the payment in lieu regulations. Parsons also noted that the article proposes to close up a loop hole in Footnote 11 related to the density bonus for multi-family projects.

Parsons explained the article has amendments to Section 3a, two sub paragraphs (1 and 2). In sub paragraph 1, 10% requirement is changed to 15% requirement for affordable units. This means if seven units are proposed, then one unit must be affordable. Sub paragraph 1 is also amended to establish a payment in lieu fee for projects that are fewer than seven units. The payment in lieu fee amount would be determined by Planning Board regulation. This would provide the Planning Board some flexibility for amending from time to time the payment in lieu amount. This is preferable to establishing a fixed fee and allows the Planning Board to make adjustments as market conditions change. Parsons said the second paragraph in the section should define an affordable unit in a separate paragraph. Parsons explained that language changes are proposed related to the comparability of affordable units. He stated the current language is not adequate. The new language proposes to require affordable units to be similar in size, bedroom size distribution to the balance of development shall be substantially indistinguishable from market rate units, applicants proposing to use interior finishes, mechanical equipment, other building envelope materials in the affordable units that are different from market rate units shall submit for Planning Board review the detail description of the differences. This allows the Planning Board to approve the different materials in the market rate and affordable units.

Amendments to the payment in lieu regulations involve calculating the cost of developing an affordable unit. That means taking the market value of the unit and subtracting the restricted unit sale price and considering the cost of construction, we arrive at a cost of developing an affordable unit. There has been pressure to increase the payment in lieu fees. It should be done in a way that ties to the cost of developing / providing an affordable unit.

K. Anderson likes how it is written. He provided suggestions for presenting the proposed changes to the Select Board. Anderson suggested leaving Footnote 11 as written. He said completely removing it is unwise without fully understanding the impact. J. Anderson agrees that Footnote 11 should not be entirely removed. Grubbs added that the issue of Footnote 11 does not appear to be providing its intended results. Currently, there are time constraints to revising Footnote 11 in a thoughtful way.

J. Anderson left the meeting. Britt suggested adding language. She added "In no case shall the modifications to the affordable units increase the cost to the renter/owner, reduce the energy efficiency or increase the use of fossil fuels". The point is that the affordable units cannot cost the people living in them more and the affordable units cannot be less energy efficient.

Great Estates bylaw amendment: K. Anderson said it looks straight forward and appears to be written well. Parsons stated there is data to share regarding the Great Estate bylaw amendment for the next meeting. It is an analysis of the Assessor's data.

Amendments to water regulations: K. Anderson the bulk of the changes are under Water Sub-Committee rules. He said it is important to add wording in the zoning bylaws. The zoning bylaws will reference the Water Sub-Committee and WUMP. Grubbs explained that the working group that has been working on this has two documents in draft. One document revises the WUMP regulations. The other document is a flow chart that looks at how to actually work this process through Town government for any project that uses new water. The working group is working with the Building Department and the Utilities Departments to determine how to review new or expanded water use by any applicant. Once the proposed amendments are completed, they will be submitted to the Water Sub-Committee for review. Eventually, the proposed amendments will go to public hearings through the Board of Water Commissioners. Grubbs expressed concern for the administrative process. There are concerns for who would actually be the WUMP administrator. It is not yet a staffed position that the Town has approved.

There were no additional questions or comments from the Board members regarding the proposed amendments.

Announcements/New Business

None noted.

Adjournment

Britt made a motion to adjourn and Westerhoff seconded. The motion passed with 4 votes.

Meeting adjourned at 8:19 PM.

Meeting notes taken by: Odile Breton

Adopted on: March 11, 2021