

IPSWICH PLANNING BOARD

MEETING MINUTES

Remote Meeting using ZOOM

Thursday, February 18, 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 Thursday, February 18, 2021 using ZOOM. Board members Keith Anderson, Mitchell Lowe, Jeffrey Anderson, Kevin Westerhoff, Carolyn Britt and Helen Weatherall were present. Staff Ethan Parsons and Kristen Grubbs were present.

K. Anderson convened the meeting at 7:04 PM with a quorum present.

K. Anderson requested an acknowledgement of attendance for all members present. He noted the Board members that were present as well as Town staff, Ethan Parsons, Kristen Grubbs and minute taker Odile Breton.

Citizen Queries: None noted.

Request by John Colantoni for Approval Not Required Plan Endorsement for 3 Payne Street

K. Anderson explained the request is related to an infill lot. There is a requirement to formally split the lot. There are no subdivision requirements. Parsons stated the ANR plan is only effective and valid if the special permit is recorded.

Westerhoff made a motion to endorse the Approval Not Required Plan for 3 Payne Street and Britt seconded. The motion passed unanimously.

Documents: Plan of Land 3 Payne Street, prepared by Donohoe Survey Inc., 11/4/20

Request by Gary Rogers, True North Ales, for modification of special permit and site plan review to allow outdoor seating at 116 County Road

K. Anderson provided a summary of the request for extended outdoor seating to be permanent.

Gary and Jake Rogers were present. There were two concerns from the last meeting: concern for adequate parking when the front building is leased and concern for the temporary appearance of the extended outdoor seating area. Gary Rogers stated there are no changes to the request. K. Anderson said the Board must decide if the temporary patio area should be permitted to be made permanent. Lowe stated he was the one requesting the extended outdoor seating area appear permanent. He said after reading the requirements for parking and that parking may be needed in the future, it makes more sense to make the requested outdoor seating area temporary but dress it up. It needs to be able to disassemble easily.

Jacki Kronenberg, 6 Essex Road, said she received notification of this meeting today. She said there are problems with outdoor dining and entertainment. The noise carries through the neighborhood. She asked what will change permanently.

Rogers provided a summary of the request for abutters/neighbors. He explained the expansion of outdoor seating during 2020 due to the COVID-19 pandemic. True North Ale was allowed to put up a tent (20' by 50') and expand outdoor seating to help the business during the pandemic. He believes customers will continue to prefer outdoor seating. He is requesting to retain the tent area and the expanded area for outdoor seating. Kronenberg asked if True North Ale has a permit for the expanded outdoor seating. She stated the Select Board approved a permit through October 2020. Kronenberg said the Board and True North Ale are getting ahead of themselves. She suggested that True North Ale get the permit from the Select Board first.

K. Anderson asked if the applicant has been back to the Select Board. Rogers said he will appear before the Select Board on Monday, February 22. Kronenberg said the neighbors would like to be involved as they are impacted. She said it is ironic that True North Ale wants to make outdoor seating more comfortable for its guests but abutters have to go indoors to avoid the noise from the establishment.

Kerri Macrae, 31 Heartbreak Road, asked about the entertainment schedule. Rogers said this request is not for the entertainment license. He said the request is for the patio expansion on the north side of the building. Macrae asked if the permits go hand in hand as there are two permitting boards. Macrae is not an abutter but can hear the music from True North Ale and it vibrates her house. She said sound travels through the neighborhood. Rogers said he is going through a normal process for the change in premise that the State Alcohol Beverage Control Commission requires. Macrae understands the constraints that restaurants are going through but would be more comfortable if the change is only temporary due to COVID-19.

K. Anderson said the request relates to a change to a special permit and site plan review. He said the entertainment license goes before the Select Board and he encouraged abutters and neighbors to express their concerns to the Select Board.

Lowe asked if noise from patrons is an issue or is the noise from the music the problem. Macrae said she cannot determine if the noise is from True North Ale. Rogers said the entertainment ends at 8:30 PM and during 2020 the entertainment only occurred on Fridays and Saturdays.

Weatherall stated her husband performs at True North Ale and the establishment is concerned about the noise level.

Lowe made a motion to determine the request is a minor modification and Britt seconded. The motion passed unanimously.

Rogers said the tent is 20' by 50' and is able to seat 42 people under COVID-19 restrictions. Parsons pointed out that site plan review does not review uses. Outdoor entertainment is governed by the Select Board. Site plan review involves reviewing parking, utilities, access to the site, fire and safety, and similar. Parsons encouraged the Board to consider those items. He suggested that it is not premature for the Board to consider the request.

K. Anderson stated the Board wants to review this request when the vacant building on the premise becomes occupied. Westerhoff confirmed that is a concern and that the site will have adequate parking when the building is leased. He said there should be a mechanism to revisit the decision if parking becomes a problem. Lowe asked if the Planning Department will be notified when the building is leased. Parsons said yes. Parsons said when the vacant building is leased, the Planning Board will have to work with True North Ale, Aubuchon, and the owner of the property to resolve any parking problems.

J. Anderson made a motion to approve the minor modification of the expansion of the outdoor patio seating area as depicted in the January 3, 2021 request subject to the condition that this vote shall not relieve the applicant of complying with condition number 13 in the Board's 2016 site plan review approval decision and it shall not eliminate or lessen the Board's authority in condition 13 of the Board's 2016 site plan review approval decision in order to ensure that if the Board finds that there are parking supply problems, the Board can impose necessary corrective actions and Lowe seconded. The motion passed unanimously.

Continued Public Hearing: Request by MMC Realty Holdings LLC for a special permit for a 7-unit multifamily development at 126 and 128 High Street (Assessor's Map 30B Lots 5 & 5A), which is located in the Highway Business and Water Supply Protection Zone II Districts, pursuant but not necessarily limited to Sections V.D, VI, VII, X and XI.J of the Zoning Bylaw

Larry Graham of H.L. Graham & Associates, engineer for the project, and Louis Rubino, applicant, were present.

Graham stated several items changed since the last presentation to the Board. Revised plans, dated February 5, 2021 Plan F, were presented. Graham said the plans changed based on comments from the Board.

K. Anderson asked if the application has gone before the Design Review Board (DRB). Graham said the plan presented this evening will go before the DRB on Monday, February 22. Rubino stated he was present for two DRB meetings subsequent to the January 7, 2021 PB meeting and received feedback. The plans presented this evening include DRB feedback.

K. Anderson asked if there are any issues with Demolition Delay with the existing house on the lot. Rubino stated the demolition permit has been filed. The Historic Commission is meeting Monday, February 22 to make a decision on the demolition.

K. Anderson asked about the stormwater peer review. Rubino said the drainage plan will be revised after the review of the concept plan for the site.

Westerhoff asked if there are any changes to the three waivers requested. Graham stated the waivers will be discussed in the presentation.

Graham reviewed the changes on the plan. The plan represents six units in three buildings. Each building has two units. The previous plan had seven units. The footprint for the units changed

from 30' x 36' to 30' x 30'. The footprint on the ground has been reduced by six feet in depth. The changes allow Rubino to achieve the 50% open space requirement. He pointed out the green/open space perimeter around the buildings. Access to the residential portion and the commercial portion from High Street are combined. The dumpster for the commercial building will not be in the right of way access area. Additional parking in the residential portion is removed. The parking proposed is the same two car garage for each unit. There is space for two cars to park in front of each garage door, which residents can use for guests. Twelve parking spaces are required. The current proposed site plan allows for twenty-four cars parked, including the enclosed garages. The handicap space for the commercial building has been moved to be closer to the covered concrete walkway. The open space waiver is not needed. Two waivers are requested. One waiver is to reduce the size of the parking spaces. The bylaw requires parking spaces to be ten feet in width. Rubino is proposing parking spaces to be eight and half feet in width. The second waiver relates to the loading space requirement. Rubino does not believe there will be a need for a loading area.

K. Anderson commented that the changes were dramatic. Lowe asked if building design would be presented. An incomplete landscaping plan was presented. Rubino stated the trees will provide screening. They will review existing trees that may be saved. Lowe asked about trash removal. Rubino said it will be private contract pick-up. The dumpster for the commercial lot is in the commercial parking lot. The trash pick-up for the commercial lot will also be private contract. Lowe asked the applicant to review the handicap spot for the commercial building. He said it did not appear to be a legal access spot.

Westerhoff asked about a wall depicted on the plan. Graham said it will likely be a unit block wall and the height will remain four feet or less. The wall will help accommodate site drainage.

A rendering for the façade of the building was presented. J. Anderson asked if there are retaining walls separating the units from the back of the yard. Graham said they are more of a sitting wall. The walls may be used for grading and the height will be two feet or less. J. Anderson asked if the owners would be able to access the yard. Rubino said yes. Graham said the final design will dictate the need and height of the walls. Britt asked about the exclusive use area and its materials. Rubino said it will be a stepping stone or two off of the back slider of each unit leading to lawn.

J. Anderson asked if there is any ability to shift the massing of the units. He said the front elevations look good but he is concerned about the rear because the design is flat. He would like some interest created in the rear of the building. Graham suggested Rubino discuss it with the architect. Lowe said the rear façade is bland. Weatherall does not care for the design of the buildings and does not feel the design is in character with Ipswich. She suggested revisiting the selection of materials. Westerhoff said the plans are an improvement, however there is room for more improvement with design and aesthetics.

K. Anderson said the Board needs to focus on the site layout and open space so the applicant can move forward with drainage and landscape design. Lowe asked for floor area information. Graham said the dimensions of the buildings were submitted with the plans. J. Anderson noted

each building is 30' x 60' and noted the footprint is less than previously presented. K. Anderson asked Graham to add floor area and footprint information to the plans for the next presentation.

Public comments:

Marcia Gray, 3 Beachwood Road, applauds the Board for challenging the aesthetics. She is concerned that the approval of this project will set a precedent for future developments in the neighborhood and cautioned the Board in how it evaluates the project.

Toni Mooradd, 106 Central Street, said the development looks all-inclusive and separate from the neighborhood. She suggested looking into options to make the development more a part of the neighborhood.

The Board provided feedback. J. Anderson said the direction is positive and is better than the previous proposal. Lowe said the proposal did improve but it can be better. It can be special.

J. Anderson moved to continue the public hearing to March 11, 2021. Lowe seconded. The motion passed unanimously.

Documents: Packet for 2/18/21 meeting including Concept Plan F, prepared by HL Graham Associates 2/5/21

Continued Public Hearing: Request by 108 Central Street LLC for a special permit and site plan review to create 6 units in a multifamily development at 108 Central Street (Assessor's Map 30D Lot 75), which is located in the Intown Residence District, pursuant but not limited to Sections V.D, VI, VII, X and XI.J of the Zoning Bylaw

J. Anderson is recused and Weatherall is appointed as a voting member for this application.

Mike Becker, Charissa Vitas, representing the applicant, Thomas Mayo, architect, and Larry Graham, engineer, were present for the public hearing.

K. Anderson asked if there are any changes. Becker stated the number of new units is revised from six units to five units. Mayo presented the sixth version of the site plan. The building is three stories with two wings, which are two stories. The proposal is for five new units and the existing single home for a total of six units on the site. Each wing houses a two car garage. There are ten parking spaces added and there are two visitor spaces. The building conforms to all setback requirements. Mayo reviewed the elevations of the proposed building and provided diagrams that depicted sizes of the proposed building and surrounding buildings. He stated the proposed project needs to go before the DRB. Mayo also provided diagrams for the street view of the site. Mayo provided photographs of other properties in the area with additional separate structures behind the main house on the site (99 Central St with 101 Central built behind it, 100 Central St, 87 Central St.).

K. Anderson likes that there is one less unit but feels the front is a parking lot. He asked about the units. Becker said there is a mix. There are two 1-bedroom units over the garages, one 2-bedroom unit, and two 3-bedroom units. The 2-bedroom unit could be ADA compliant. All units have access to the back yard. The existing single family house is a 4 bedroom unit.

K. Anderson asked if the application has gone before the Conservation Commission. Becker stated the environmental consultant suggested getting the massing, engineering and site layout done before presenting to the Conservation Commission.

Britt is not convinced that there is adequate space for vehicles to back out. Mayo stated there is 22 feet as required by zoning bylaws. Lowe stated the site looks very tight. Becker stated the wings need to accommodate the parking garages. The depth is 23.5 feet deep.

K. Anderson asked if the building were turned back to the original design, would the building stay out of the wetland area. Mayo said no. Weatherall likes the mansard roof. Britt said the building works better in a linear position instead of a square layout. She said the site looks constrained. Britt likes the mansard roof. Westerhoff said the mansard roof is a nice touch and adds character. He said the site feels crowded from a density perspective. He said it is worth considering not using Footnote 11 for the density bonus. Lowe noted that the site was reduced by one unit but the footprint of the building did not change. Lowe said the building needs to be smaller.

Public Comment:

Toni Mooradd, 106 Central Street, asked if the Board visited the site. She encouraged the Board to visit the site together. She said the space allowed for building is very small and the proposed structure is massive for the lot. The lot should support the units requested. This lot has restrictions and cannot support the number of units requested. She said the examples of other structures behind homes in the neighborhood are mostly small structures and single family homes, not multi-unit buildings.

Jen Donahue, 12 High Street, said the structure is enormous for the lot. The square footage has not decreased. She asked why the proposal needs to be an enormous condominium complex. She suggested a single family home or reduce the number of units.

Mathew Cummings, Cummings Architecture and Interior Design, said one of the neighboring properties presented belongs to him. He owns a three family Victorian building and a single family home is behind the three family building. He likes the mansard roof and the height of the building. He said the problem is the wetland area has forced the development into a small space for building. The refusal of the applicant to build the respectable amount of units for the available area is an issue. The front is a parking lot.

Daniel Cullen, 79 High Street, is opposed to this development. He said developers come into Ipswich with density proposals that are out of character with the neighborhood. He is concerned that this is an ongoing pattern.

Marcia Gray, 3 Beachwood Road, said the building is too large for the lot. It is not in character with the neighborhood. It is too big and there are too many units. She is opposed to the development. She noted Becker and Mayo referred to the front as a parking lot and are aware the proposal is not in character with the neighborhood.

Britt is uncomfortable with the density of the site. She said the Board cannot look at the financials of developers. She does not see particular public benefit with the proposed development.

K. Anderson suggested that the building needs to be smaller and the number of units should be reduced.

Westerhoff moved to continue the public hearing to March 11, 2021 and Britt seconded. The motion passed unanimously.

Documents: Sheets A-1 and A-3, prepared 2/12/21 by Thomas Mayo Associates (proposed site plan & elevations)

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

The discussion began with an article that amends sections of the Great Estate Preservation Development bylaw. Don Greenough, Attorney at 15 Market Street, representing ORA, Inc., a company purchasing 55 Waldingfield Road, was present. Jennifer Williams, Senior Project Manager for ORA, Inc. was also present. The proposed amendments reduce the minimum floor area of buildings on Great Estates from 40,000 sq. ft. to 30,000 sq. ft. It also establishes a minimum floor area of 12,500 sq. ft. for Great Estate mansions.

Parsons proposed changes from the article presented on Tuesday, February 16 business meeting. He stated there were five changes proposed and changes 4 and 5 are not necessary at this time. Parsons recommended the Board move the article forward this evening without amendments 4 and 5. Amendment 4 warrants further understanding of potential implications for other Great Estate properties. Parsons said the intent of the proposed amendments is to make 55 Waldingfield Road eligible as a Great Estate property. He said that the land once part of the Julia Bird Estate and is now owned by Greenbelt, is intended to be included in the calculation of land area in determining eligibility of a Great Estate. The language in Amendment 5 was limiting regarding including that land for calculation of open space and would potentially undermine the eligibility of the property for a Great Estate. It is contrary to the intent of the amendments.

Lowe moved to initiate and refer to the Select Board amendments to the Great Estate bylaw, amendments 1, 2 and 3 as presented and edits indicated and Britt seconded. The motion passed unanimously.

The discussion moved to the article regarding inserting language pertaining to energy conservation. There are concerns with defining a super insulated wall and concerns related to setbacks.

Lowe suggested clarifying setbacks. Lowe proposed the following;

“A required side yard or rear yard setback for the renovation of an existing building or for the construction of a new building may be reduced up to one (1) foot if the construction uses both advanced energy conservation measures and advanced building envelope design. Such measures

and design will be as determined via regulations promulgated by the board in consultation with the building official. Such regulations will be reviewed and updated on a periodic basis.”

Lowé said the Board needs to discuss if it is just one or more setbacks that can be impacted. K. Anderson said if it encourages energy efficiency, he does not care if the more than one setback is impacted. K. Anderson asked if the Board has the ability to state this will be done by regulation. Parsons said yes. Parsons confirmed with the Board the placement of the language in Section VI G.2 of the zoning bylaw. Lowé explained that Ipswich wants to be better than the Stretch Code and noted that buildings can be designed to meet different standards. The suggested language allows for flexibility. J. Anderson said using language of “advanced enclosure” and “advanced energy efficient measures” through a regulation allows the Board to adapt the regulation to changes in technology and construction techniques. The term “super insulated” is removed. Britt stated she did not have a strong sense of how somebody chooses to improve the conservation abilities of walls of a house. She suggested edits so eliminate constraints. She said it should be kept simple. K. Anderson said if the language is not included it opens interpretations for what is energy conservation.

Parsons stated there will be a lot of issues if the building inspector cannot interpret the standard. He supports regulations that provide specifics and guidance for the building inspector. There also needs to be some follow up to see if advanced measures work. Otherwise, someone will get away with a 1 foot reduction to a setback. Grubbs noted that the Town has lots of regulations. History has shown that it is hard for boards and committees to reliably and regularly update them. She suggested referencing other guidance that is updated regularly such as the Stretch Code.

K. Anderson suggested to move forward as how it is written. Language can be worked out during the hearings. Parsons suggested edits to the language proposed. He suggested changing “Such measures and design will be as determined” to “Such measures and design may be determined”. The last sentence was also suggested to be removed.

Britt made a motion to initiate and refer the article related to energy efficiency to the Select Board as discussed and modified and J. Anderson seconded. The motion passed unanimously.

Article for Water Neutral Growth amends Section X. Site Plan Review to insert a new standard for water demand minimization and amend Section XI.J Special Permits to insert a new criterion pertaining to minimizing water demand. K. Anderson stated the Board is looking for stronger language within the context of the zoning bylaw. The WUMP will be with the Water Commission. J. Anderson asked about the added term “water supply connection” and “sewage disposal” under A. 6. He asked if there is a differential between the two and to define “connection”. Grubbs explained language was added from a discussion on water supply scarcity. She said A.6. is the ability to have water at the property. She said it is to identify that there is an existing water hook-up at the property. There is a distinction between water supply and the ability to get water to a site. Grubbs suggested removing “connection”.

Lowé made a motion to initiate and refer the Article for Water Neutral Growth as modified to the Select Board and J. Anderson seconded. The motion passed unanimously.

Draft Article for Inclusionary Housing amends payment-in-lieu and affordable housing requirements. Parsons explained this article addresses an issue in Footnote 11. There is a loophole where in some cases when the formula is applied, the fee for non-Footnote 11 units can be as high as \$25,000. It is illogical that a Footnote 11 unit would have a lower payment than a non-Footnote 11 unit. It is being recommended that dollar amounts be moved out of Footnote 11 and into the payment-in-lieu regulation. Developers want to understand what the payment will be and that information does not need to be in the bylaw.

The second amendment addresses the affordable housing requirements. The current threshold is developments of ten units must provide one affordable unit (10%). The proposed change increases 10% to 15%. The increase requires a seven unit development to provide one affordable unit. Affordable Housing Payment amounts are removed and replaced with language that references the payment-in-lieu regulation.

There have been discussions of changing the payment-in-lieu fees to tie the fees to the cost of developing an affordable unit. The fees should increase. K. Anderson agreed that the fees should increase and it needs attention. The objective is create a nexus between the cost of developing an affordable unit and the payment-in-lieu.

Additional language changes amend Section IX.I4.b relating to affordable units being indistinguishable from market rate units. Stronger language is being proposed. Applicants will be required to submit to the Planning Board detailed descriptions of differences between the affordable and market rate units. Britt suggested adding language that does not allow an affordable unit to cost more to maintain or operate.

J. Anderson made a motion to initiate the Inclusionary Housing article as modified and refer to the Select Board and Lowe seconded. The motion passed unanimously.

K. Anderson suggested the Board have another business meeting to discuss the calculation of affordable housing payments and a citizen petition. Staff will set this up.

Adopt minutes of January 7, 2021, January 20, 2021 and January 28, 2021

Several Board Members stated they did not have the opportunity to review minutes from January 20, 2021 and January 28, 2021. Minutes for those two dates will be voted on at the next meeting. Britt asked for an edit regarding a street name from Kingsman to Kinsman.

J. Anderson moved to accept the January 7, 2021 minutes. Britt seconded. The motion passed with 4 votes. Lowe abstained.

Documents: Draft minutes January 7, 2021 meeting

Announcements/New Business

No new business.

Adjournment

J. Anderson moved to adjourn. Lowe seconded. The motion passed unanimously.

Meeting adjourned at 10:33 PM

Meeting notes taken by: Odile Breton

Adopted on: March 11, 2021

DRAFT