

IPSWICH PLANNING BOARD  
MEETING MINUTES  
Town Hall, Room A, 25 Green Street, Ipswich, MA  
Thursday, February 7, 2019 at 7:00 p.m.

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, February 7, 2019 in Room A of Town Hall. Board members Heidi Paek, Kathleen Milano, Carolyn Britt, Kevin Westerhoff, Keith Anderson (attended as noted below) and Paul Nordberg were present. Staff present: Ethan Parsons.

Paek convened the meeting at 7:00 p.m. with a quorum present.

Citizen Queries: None noted

**Request by Anthony Traverso for Approval Not Required Plan Endorsement at 38 East Street, Assessors ID: 31C 127**

Paek said this plan was before the Board previously and an error was subsequently noted. Paek said she reviewed it with Parsons and subdivision control does not apply because no new lot is being created.

*Westerhoff moved to approve the ANR finding that subdivision control does not apply. Milano seconded the motion. The motion passed unanimously.*

*Documents: Plan of Land 38 East Street, prepared by Atlantic Engineering & Survey Consultants, Inc., 11/30/18, revised 1/19/19*

**Request by Art Dioli for modification of special permit granted 11/9/17 for a manager's unit at 31 Fox Creek Road**

Paek provided background on the special permit and stated the request is for a modification.

Arthur Dioli of Olson Lewis + Architects presented. Dioli said that construction has begun and the owner wants to make some changes to the dormer arrangement and add an exterior deck stairway entry. Paek noted that light fixture locations changed as well. Dioli identified the changes and said the number of light fixtures is the same as previously approved. Paek observed that it makes sense to move the stairway to the exterior and it will be functional for the animals to have the overhang added.

Britt asked if there were any issues with the Conservation Commission for the shed extension near the pond. Dioli said the addition of the shed is on the pond side but it is far enough away that it doesn't require the Conservation Commission's approval.

Paek asked if the roof is solar ready. Dioli said the solar panels would be on the shed.

Paek explained that the applicant is before the Board for a modification and approving modifications is a two-step process. The Board has to decide whether it is a major or minor modification. A major modification would require a public hearing.

*Milano moved to find that the changes are a minor modification. Westerhoff seconded the motion. The motion passed unanimously.*

*Milano moved to approve the minor modification as presented. Britt seconded the motion. The motion passed unanimously.*

*Documents: Fox Creek Barn Elevations and Floor Plans/ Revision Study (Sheets A2.0, A2.1, A1.2), prepared by Olson Lewis + Architects, 1/21/19*

**Request by George Furlong for modification of special permit granted 1/8/15 for a vehicle restoration shop at 55 Mitchell Road**

Paek said that the Board issued a special permit for a similar use but different business owner at the same location. One of the conditions of the special permit was that if the business changed the Board would need to approve the change.

Peter Furlong was present to make the request. Paek asked how the new business would impact the site. Furlong stated there would be hardly any change. Paek noted that the automotive repair shop use would continue. The freestanding sign would change. Furlong confirmed this was accurate. Paek asked if there were any additional exterior changes to the site or building. Furlong stated there were none. Paek reviewed some of the conditions from the initial special permit and reminded Furlong that these would still be in effect.

*Milano moved to find that the modification is minor. Britt seconded the motion. The motion passed unanimously.*

*Milano moved to approve the minor modification as discussed. Britt seconded the motion. The motion passed unanimously.*

*Documents: 1/28/19 Letter from George Furlong to Ethan Parsons Re. 55 Mitchell Road*

**Request by Gary Rogers for modification of special permit granted 3/24/16 and site plan review approval granted 1/14/16 for True North Ale located at 114-118 County Road**

Paek said that True North Ale submitted a letter explaining that there is space in the brewery's building that was initially intended for a distillery but as that use will no longer occur, True North Ale would like permission to expand into the space.

Gary Rogers and Jake Rogers were present for True North Ale. Gary Rogers provided background on the business, recent business activities and accomplishments. There are 15 full time employees and 20 part time employees. The request is to expand in the available space mainly for private functions. They would like to take about 1,000 square feet of retail space and 3,000 square feet of production space and change that to 1,700 square feet of retail and function space and use the remaining space for storage. Gary Rogers said there have been no issues with parking in the past 15 months that they have been operating. Gary Rogers acknowledged that there may be events that would affect parking. For example, wedding receptions up to 100 people would require offsite parking and a shuttle. Gary said that they are working on an agreement with the Hellenic Center to use parking at their site. They are also reaching out to other nearby owners.

Paek asked about staffing during operations. Gary Rogers said that during the day there are seven employees in production and they leave by 3 to 4 p.m. In the evenings there is either the tap room manager or the assistant tap room manager and up to two bartenders. Paek said the main question before

the Board is whether the site can adequately accommodate the business growth. Paek reminded the Board that it granted parking waivers in its initial decision, however the Board was comfortable doing so because of the staggered demands owing to the mix of businesses on the site. The waiver allowed for 37 parking spaces instead of the required 50. The proposed expansion of the brewery would now require the applicant to have 58 parking spaces. Paek said she liked the backup plan for offsite parking for special events, however she cautioned against the use of the Hammatt Street public parking lot and said it was not the best option. She said True North Ale should have to contract privately for parking.

Nordberg remarked that the parking works well at the site as long as businesses operate at different hours. Nordberg asked about the chance that special events will occur earlier in the day. Gary Rogers stated events would not occur during the week during daytime hours. The business is closed on Mondays and Tuesdays, opens at 4 p.m. on Wednesdays and Thursdays, and at 2:00 p.m. on Fridays. The events would occur on weeknights or weekends.

Paek suggested setting a threshold for parties over a certain size, which will lead the applicant to look for offsite parking. She also suggested requiring the special events to occur after 5:30 p.m. on weekdays. Britt agreed with Paek's suggestion of setting a threshold for party sizes. Britt asked if there is any agreement that governs parking between the tenants of the site. Gary Rogers stated that it is all common parking for the site. Milano asked if it is possible to use parking at the YMCA. Gary Rogers stated yes. Milano asked if there is a walkway between the YMCA and True North Ale. Gary Rogers stated there is not a good shortcut.

Paek said that the question before the Board is whether the request qualifies as a major or minor modification. Gary Rogers said that public notice has been posted for this application with the Select Board. Twenty-six abutter letters were sent and the Select Board has the proposed plan. It is required by the Alcoholic Beverages Control Commission (ABCC) for any alteration of premises when an establishment has a liquor license. They will go before the Select Board on Monday and the ABCC has already approved the plan.

Parsons suggested the Board set a threshold for occupancy that would trigger off-site parking. If there is a known event that is going to generate a certain amount of visitors, then at that point True North Ale would implement the plan for offsite parking. Parsons stated the distillery that was proposed was required to have 8 parking spaces. Gary Rogers said they are permitted for 155 people in the tap room. Anything over 155 people would require offsite parking. If they wanted to host an event of 100 people while the tap room is open, they would park off site for the event.

Milano asked if making additional conditions would make the request a major modification. Parsons said that did not need to be the case.

*Milano moved that the request is a minor modification. Westerhoff seconded the motion. The motion passed unanimously.*

*Westerhoff moved to approve the minor modification as discussed with the conditions that 1) the applicant have a parking management plan for special events; and 2) weekday events happen after 5:30 p.m. Milano seconded the motion. The motion passed unanimously.*

*Documents:*

*1/24/19 Letter from Gary Rogers, True North Ale, Re. modification request*

***Continued Public Hearing: Request by First Presbyterian Church of Hamilton to modify a site plan review decision for the construction of a new unified worship space and related site work at 175, 177 and 179 County Road (Assessor's Map 53D, Lots 8 & 8A), located in the Rural Residence A district, pursuant to Section X of the Zoning Bylaw***

Stefano Basso, Architect, and Marion Walters, representing the Church, presented. Paek stated the applicant appeared before the Historic Commission and the Commission will not implement the demolition delay bylaw. Paek stated Cammett Engineering, the Board's peer review consultant, suggested digging a test pit to test the ground water levels. The applicant finds the suggestion acceptable. Paek asked if there were any public comments or questions. There were none.

*Milano moved to close the public hearing. Westerhoff seconded. The motion passed unanimously.*

Parsons reviewed the draft decision. He said the project consists of construction of a new sanctuary and creating a unified building, altering the parking area, storm water management upgrades and other site work at 175, 177, and 179 County Road. Parsons emphasized the suggested findings and conditions. Paek suggested changing some language to acknowledge the applicant's efforts. Britt suggested that the finding represent the increase in energy use without any compensation by adding solar. She suggested noting the finding of increase electrical use. Basso stated the electrical service on the site is being increased.

Paek suggested adding a new condition for the ground water test pit. Parsons suggested language for the applicant to provide an acceptable test result prior to construction. April Ferraro of Meridian Associates responded about the soil testing for ground water and stated results would be submitted.

There were no comments from the applicant regarding conditions.

*Milano moved to approve the site plan review modification and decision as discussed. Britt seconded the motion. The motion passed unanimously.*

*Documents:*

*Draft decision for 175, 177, 179 County Road, prepared by Planning and Development Department staff, 2/4/19*

Keith Anderson arrived.

***Continued Public Hearing: Request by South Side Green, LLC for a special permit to alter an existing nonconforming building with an addition and repurpose it as a four-unit multifamily dwelling, at 64-66 County Road (Assessor's Map 42C, Lot 115), located in the In town Residence District, pursuant but not limited to Sections II, V, and XI.J, of the Zoning Bylaw***

Paek said Parsons drafted a decision and sent it to the Board and applicant. John Colantoni, developer, John Dugger, architect, and Thad Berry, engineer, were present for the applicant. Colantoni stated the application appeared before the Design Review Board (DRB) on Monday evening and the DRB voted in favor of the project. Colantoni pointed out the responses to the DRB's suggestions, which included adding a fence in the rear at a height of eight feet and reconfiguring the windows on the new building.

Berry discussed the permeable pavers. Colantoni stated they are leaning toward a gray color. Paek asked if the height of the fence was a suggestion from an abutter or the DRB. Colantoni stated the neighbor to the rear said her fence is eight feet and the proposed fence should match. Paek said the Board typically requests wood fences because they are natural.

Westerhoff asked if there was some type of maintenance required on the permeable pavers. Berry stated if sand isn't used on them then there is no maintenance needed.

Paek asked if there were any questions or comments from the public. There were none.

*Milano moved to close the public hearing. Anderson seconded the motion. The motion passed unanimously.*

Parsons reviewed the draft decision emphasizing suggested findings and conditions. He discussed that the project proposes a change from a mixed use to a multifamily residential development. He suggested that the proposed residential use is not more detrimental than the existing commercial use. Parsons stated the project was reviewed by the Fire Chief and Cammett Engineering (peer reviewer), which opined that the project was designed in accordance with best practices for civil engineering. The applicant will be making an inclusionary housing payment of \$10,000 to the Affordable Housing Trust prior to the issuance of the certificate of occupancy. Paek suggested edits in the findings regarding historical context.

Parsons continued with the conditions of the special permit emphasizing that all parking spaces and driveway areas remain accessible at all times, year round.

Paek asked about the timing of the fence installation. Colantoni stated that a construction fence will go around the construction site for safety purposes. Usually the installation of the fence is done last so that it is not damaged during construction.

Paek asked about the height of the fence again. Britt understood that the height of the fence is eight feet in the back of the property and six feet on the sides. Paek clarified for everyone that the rear height will be eight feet and the side will be six feet.

Britt suggested adding a condition specifying that LED bulbs will be used in exterior fixtures. She wants to ensure lighting is not intrusive to abutters. Parsons suggested the Board review the cut sheets and see where the final placement of lights will be installed prior to installation. Paek said that could be an added condition that the applicant provides lighting specification sheets prior to installation, that they be dark sky compliant and reviewed by planning staff to ensure the condition is met.

Paek asked for an additional condition to be added stating that plantings survive one year or that it be replaced. There was some additional discussion about on-site parking and snow removal. Anderson requested that on-site parking be in designated parking spots only.

*Anderson moved to approve the special permit decision as discussed. Milano seconded the motion. The motion passed unanimously.*

Anderson left the meeting.

*Documents:*

- CM2/CE Peer Review Memorandum, 2/6/19
- 1/29/19 Response to Comments, prepared by ASB design group, LLC
- Site Plan Review Plans, prepared by ASB design group, LLC, 1/28/19
- Draft decision, prepared by Planning and Development Department staff, 2/4/19
- Draft DRB minutes for 2/5/19 meeting

***Continued Public Hearing: Request by Angelo Ciardiello for a modification of a special permit and site plan review approval for a multifamily development, adding one dwelling unit to an existing mixed use building and demolishing a single family home and constructing a two family home in its place, at 62 and 64 Central Street (Assessor's Map 42A, Lots 247 and 248), located in the General Business District, pursuant to Sections V, VI (footnote 11), IX.I, X and XI.J of the Zoning Bylaw***

Paek said the purpose of the discussion tonight is to provide the applicant feedback from the site visit and discuss input from the Design Review Board (DRB).

Richard Griffin, architect, and Angelo Ciardiello, owner, presented. Ciardiello stated the DRB requested native plants. Parsons said the DRB also recommended that four red cedars be planted along the property line behind the mixed-use building. Griffin said the drawings were updated to note snow storage areas.

Paek provided comments from the site visit. She is concerned about the property line, the perimeter, the fences and the debris from construction. There seems to be a discrepancy on one of the lot lines so it is important to rely on the survey. Paek asked if the current drainage system was working properly and noted snow piled up at the time of the site visit. She asked if the flow of water will be obstructed with the new fence. Griffin said there were a couple of solutions that had been implemented. One is an extensive subsurface drainage system that was vetted by Cammett Engineering and is being expanded. In addition, the site is pitched five degrees towards the back corner because there is a catch basin within a Town drainage easement on Granite Court.

Paek said there is an existing stockade fence between the lot and the catch basin. Griffin said the fence is chain link. Paek clarified and said there is a proposed stockade fence for the rear of the lot and the catch basin is beyond the proposed fence. She asked if the stockade fence would obstruct or divert drainage. She suggested the fence be raised. Griffin and Ciardiello agreed to raise the fence four to six inches and maintain a clear drainage pathway to the catch basin. Milano asked if it was appropriate for the drainage to flow into a catch basin not on the site. Ciardiello stated the catch basin belongs to the Town and there is an easement. Griffin stated the back half of the parking area is all gravel. Drainage from the building and pervious surfaces is engineered so that it is absorbed by the subsurface drainage system. The catch basin is just an overflow protection system. Parsons said the catch basin is Town owned and maintained. It is not part of the applicant's storm water management system.

Paek stated the requested residential unit on the first floor of the existing mixed use building is a reasonable request and a residential unit will have less impact than a commercial unit. Paek said the new building will be an improvement over the existing house, which is in poor condition. Paek stated the applicant is seeking to make payments for the inclusionary housing requirement instead of making a unit affordable. The total fee is \$70,000 and the applicant is proposing to make payments over four years, which would be \$17,500 per year. Paek said the Board has allowed installment payments when payments of this size are required. Paek asked if the residential units will be rentals or sold as condos. Ciardiello said they would be rentals.

Evan Orlando, 11 Soffron Lane, said he is concerned about the proximity of the new building to the Soffron Lane property line. He said the previous drawings showed the foundation of the new building as being beyond the fence/property line. He believes there should be a setback of ten feet. Paek said this is where there seems to be a discrepancy. Parsons said the setback from the rear appears to be twenty feet. Orlando said he is concerned about the west side property line. Parsons reviewed the site plans received this evening and said the proposed building does not go over the property line. He said it shows the proposed building being approximately one foot from the property line. Westerhoff said it is the same as the existing building. Orlando said the proposed building is not the same footprint of the existing

building. Parsons said a portion of the fence will be replaced on the property line. Ciardiello stated the property will be surveyed. Orlando asked if the building would have a ten foot setback as required from the replaced fence. After some discussion about the property line location, Parsons stated the applicant is asking for relief of the setback requirement. It would be a waiver from the Board under site plan review. Westerhoff stated for thirty feet the existing building is one foot from the property line but the proposed building will extend the footprint of the building to 65 feet. Paek asked how close the proposed building would be to the Soffron Lane structure. Griffin stated he didn't think it was appreciably closer. Orlando disagreed with Griffin's comment. Paek stated it would be helpful to see the assessor's map. Parsons said he would provide an aerial image. Paek stated that there is a proposed air condenser in the same corner. There seems to be a lot going on near the property line. Parsons clarified that it is a question for the Board as Ciardiello is asking to maintain the current nonconforming setback. Paek said the Board is now clear that it is not just the fence in question but also the proposed structure.

Peter Buchanan, 22 Brown Square, asked when the fence will be erected along the property line shared with Granite Court. Paek said the Board discussed requiring it be done as soon as weather permits but that has not been voted on yet. She said the fence could be erected without interfering with construction and suggested that it be done as soon as weather permits. Parsons agreed that installing the fence behind the existing building should have no impact on construction on the new part. Paek emphasized that the fence should be a wood stockade fence that is raised off the ground so that water could run under it. Paek asked about the height of the fence. Westerhoff stated eight feet for the fence may address some concerns from the neighbors, such as lighting. Ciardiello said he could install an eight foot fence if that's what the Board wanted. Parsons asked if the fence would be eight feet the entire length or transition at some point to six feet. Griffin asked if a board fence is acceptable instead of a stockade fence. Paek said she thought it would be fine.

David Whynott, 22 Brown Square, stated it is a light industrial zone with a commercial lot behind 64 Central Street and said the fence should be eight feet here as well. Whynott requested the applicant to provide the bearings for the site. Paek asked that the ground be marked by the surveyor to understand where the posts will be prior to installation of the fence. There should be an opportunity for abutters to give feedback.

Dana Young, 4 Granite Court, stated that DPW informed him that water from the other side of the fence should not be draining to the catch basin on Granite Court. It's part of the Town's storm water management system and goes into Farley Brook. Young is concerned that water from the site will continue to run into the catch basin and create issues. Ciardiello explained that stormwater actually goes underground. Paek said the Board is waiting for feedback from its peer reviewer with regard to the stormwater management plan.

Odile Breton, 9 Soffron Lane, commented on the size and location of the proposed building. She has an issue with the zoning bylaw because one section does not permit two-family structures in the General Business district (GB). She stated that the size of the lot was not intended to be used for a two-family structure and does not work without additional waivers and that adding more capacity to a congested area off a very busy street does not make sense. Since the lots are being combined, creating one large lot, she asked how the Board prevent splitting the lots in the future.

Parsons stated that single family homes are also not permitted in the GB. It is a nonconforming lot because it is undersized and has no frontage. The applicant is not proposing to build a two-family on a single lot. The applicant is proposing a mixed-use development, which is allowed under the bylaw. It is a conforming use. Paek stated the Board has to enforce what is allowable under the bylaw. The Board has

to decide if the impact is a greater benefit to the Town than a detriment. The Board has a long-term goal of increasing housing units in the downtown where there is existing infrastructure and people can walk to businesses. Paek stated there is a demand for housing in Ipswich.

Parsons reminded the applicant that civil engineering work needs to be completed and submitted to the Board. The Board needs to think about the payment terms for the inclusionary housing requirement. The Board also needs to consider if the site is appropriate for the density bonus and if the scale of the building is appropriate for the lot.

*Milano moved to continue the public hearing to February 28, 2019 at 7:00 p.m. in Town Hall, Room C. Westerhoff seconded the motion. The motion passed unanimously.*

*Documents:*

- *Draft DRB minutes for 2/5/19 meeting*

***Continued from 1/24/19 meeting: Request by Dave Clarke/Clarke Associates for authorization for issuance of occupancy permit for unit #10 at 6-8-10 North Main Street. To be continued to 2/28/19; no motion required as it is not a public hearing.***

***Continued Public Hearing: Edward Dick, Trustee, Ipswich Mini Storage Trust, for site plan review approval for the construction of a new self-storage building at 22 Hayward Street (Assessor's Map 53B, Lot 51), located in the Industrial District, pursuant to Section X of the Zoning Bylaw. Continued to 2/28/19 meeting at applicant's request as voted at 1/23/19 meeting.***

#### **Other Business:**

- a. Board member and staff update on Town projects/general business

Parsons discussed the Community Development Plan (CDP). The Town Purchasing officer is working on a contract with JM Goldson, who was the consultant that the selection committee selected to serve as the consultant for phase 1 of the CDP update.

Parsons thanked Paek and Britt for attending the recent Municipal Vulnerability Preparedness (MVP) workshop. Approximately 40 people were present. The workshop is a requirement for the Town to become "MVP" certified. MVP certification, which is a state designation, sets the Town up to be eligible to apply for grants that can help make our community more resilient to the impacts of climate change.

Parsons and the Planning Director, Glenn Gibbs, met with key property owners about the Hammatt Street parking lot and discussed ideas and improvements for the lot. Parsons said the property owners are on board with making improvements to the lot.

Parsons discussed working on a meeting of stake holders to discuss improvements along High Street, pertaining to roads, sidewalk and utilities.

Parsons said it was not too early to think about the Fall Town Meeting and to think about the Zoning Bylaw. Paek said the Board usually follows a timeline to start talking about possible ideas and putting

them into written form. The Board would have public hearings in July and August and possibly September to be ready for Town Meeting in October.

b. Britt stated she attended the Massachusetts Environmental Policy Administration (MEPA) meeting looking for comments on the testing of a potential well site off Linebrook Road. Comments are due 2/12/19 to MEPA.

c. Nordberg noticed from Board meetings that there is a lot of interest in energy efficiency. He said this was a good time for the Board to get organized about its approach. He said there is a new stretch energy code coming and suggested using that to structure the Board's approach and that it be an agenda item for discussion. Paek said the Building Inspector has been enforcing the Stretch Code on new construction since January 1.

**New Business** (*business not reasonably anticipated 48 hours in advance*)

*None*

### **Adjournment**

*Milano moved to adjourn at approximately 9:45 p.m. Westerhoff seconded the motion. The motion passed unanimously.*

Meeting minutes prepared by Odile Breton

Meeting minutes adopted April 11, 2019