

**IPSWICH PLANNING BOARD MEETING**  
**Thursday, October 28, 2004 7:30 p.m.**  
**Selectmen's Meeting Room (Room A) 2<sup>nd</sup> Floor Town Hall**

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 October 28, 2004 at 7:30 p.m. in Room A, 2nd floor of Town Hall. Board members David Santomenna, Charles Allen, Robert Weatherall, and Tim Purinton attended. Planning Director Glenn Gibbs and Planning Assistant Kate Day were also present.

David Santomenna called the meeting to order at 7:40 p.m.

**CITIZEN'S QUERIES**

Carolyn Britt addressed the Board regarding the submission of an affordable housing plan under the state's Planned Production Regulation, MGL Chapter 40B. Ms. Britt encouraged the Board to obtain certification of the plan by DCHD, which would allow the Town to defer inappropriate 40B projects for one calendar year. The certification can only be obtained during a calendar year in which the Town has already produced at least 41 units of low to moderate income housing. The issuance of the comprehensive permit for Powderhouse Village would satisfy DHCD's requirements, allowing the Town to obtain certification if the plan is submitted by January 10, 2005. Gibbs indicated that he would speak to staff from DHCD for more information about the process, and also consult the Housing Partnership at its next meeting for guidance on the possible preparation and submission of an affordable housing plan.

**FORM A APPLICATIONS**

Form A Applicant Parris Pelletier, to create six lots on Pineswamp Road (Map 41A, Lots 2,3, 8A). Pelletier reviewed the application; Gibbs noted that Town subdivision regulations do not allow the granting of ANR approval in this instance, for the reasons cited in the motion below:

MOTION: Purinton moved that the Subdivision Control Law does apply, for the following reason: The submitted ANR plan would re-divide three parcels of land on Pineswamp Road in the Town of Ipswich: Parcels 2, 3, and 3A (erroneously referred to on plan as 8A), on Assessor's Map 41A. The Rules and Regulations Governing the Subdivision of Land in Ipswich, Massachusetts, in Section 3.2.1 requires that the name of the owner of record be shown on the Approval Not Required Plan. Further, the Form A application, which the Rules & Regulations required be submitted with the ANR Plan, requires that the owner sign the application. The submitted ANR Plan indicates the sole owner as being the Estate of Eugene Pelletier, Jr., and the Form A application is signed only by Parris Pelletier, trustee of the Estate. Yet, according to the records of the Town of Ipswich, parcel 2 is owner by Gladys A. Wegzyn, Trustee, G.A.W. Real Estate Trust, and parcel 3A is owned by the Town of Ipswich. Thus, because the Plan attempts to subdivide property not under the ownership of the Applicant, the submittal does not conform to the requirements of the Rules and Regulations, and is not eligible for ANR endorsement. Allen seconded the motion. The motion passed by a vote of 4 to 0.

## CONTINUED PUBLIC HEARINGS

**Scenic Road application by Robert and Susan Martell, 381 Linebrook Road.** Rob Martel appeared before the Board and reviewed his application. The Board briefly discussed the conclusions drawn from individual site visits, and reviewed the plan.

MOTION: Purinton moved to approve the scenic road application based on the plan submitted, provided that the following changes are noted on the plan:

1. The applicant will plant three (3) sugar maples, four inches in caliper as measured at four feet above the ground, to be evenly spaced along the lot's frontage;
2. The section of stone wall to be disturbed will be removed and relocated to the northeasterly end of the property; and
3. The driveway will be limited to a 14 foot width for the common portion of the driveway, and 12 feet for the private driveway.

Allen seconded the motion. The motion passed by a vote of 4 to 0.

**Request by John T. and Karen M. Riley for Definitive Subdivision Approval, pursuant to the Planning Board's rules and regulations governing the subdivision of land in Ipswich, for one new house lot at 27 Pineswamp Road (Assessor's Map 41A, Parcel 4)**

MOTION: Weatherall moved to continue the public hearing, at the request of the applicant, to November 18, 2004. Purinton seconded the motion. The motion passed by a vote of 4 to 0.

**Application by Dana F. and Joan M. Hersey, for a Special Permit, under Section IX.A. of the zoning bylaw, to create a six single-family lot Open Space Preservation (Cluster) Zoning development at 30 Mill Road (Assessor's Map 53C, Lot 8). In addition to the Special Permit, the proposed development is subject to the approval of a Definitive Subdivision Plan under the Planning Board's Rules and Regulations Governing the Subdivision of Land in Ipswich.** Santomenna recused himself. Larry Graham of H.L. Graham Associates appeared before the Board. He inquired about the response of the Open Space Committee to the plan, and Gibbs indicated that, while the plan has been furnished to the Committee, no response has yet been received. Graham also requested that the Planning Board begin considering the disposition of the barn if Greenbelt agrees to hold the CR. Santomenna, speaking from the audience on behalf of Greenbelt, indicated that it is entirely possible for Greenbelt to craft and hold an restriction that would allow for the presence and use of the barn within the area subject to the conservation restriction.

MOTION: Purinton moved to continue the public hearing. Weatherall seconded the motion. The motion passed by a vote of 3 to 0.

## **OTHER BUSINESS**

**Discussion: Proposed one-lot subdivision concept plan for property at 185-189 Topsfield Road: conformance with IX.1.2.b. of Zoning Bylaw.** Gibbs stated that owner Henry Wright wants to divide one 2.07 acre lot into two lots; because the proposal calls for the creation of only one new lot, the subdivision would be exempted from inclusionary zoning requirements. However, Gibbs noted, in order to reconfigure the lots to conform to other minimum dimensional zoning requirements, the applicants will need to swap land from adjoining lots. Henry Wright of 185 Topsfield Road indicated that the land in question is owned between family members and all parties involved are in agreement. The Board discussed the issues posed by the proposal at some length, and concluded that a memo from the Planning Board to the Building Inspector would be in order, stating the Board's reasons for favoring such a decision. The Board then reviewed an overview of the proposed subdivision, with a cul de sac turnaround proposed by Graham to be allowed under the "Court" provision. Santomena suggested that the submission of a preliminary plan was in order, and the Board concurred.

**Open Space Preservation Zoning Special Permit project at 57-61 Pineswamp Road (Wegzyn).** Santomena indicated that Attorney Perkins had sent an e-mail to Gibbs and Santomena requesting permission to grant a substantial portion of the open space in fee to the Hamilton Wenham Open Land Trust. Santomena suggested that this be called a "conservation easement," rather than a conservation restriction, and recommended altering the decision to provide for the grant.

**MOTION:** Allen moved to approve the draft Quitclaim Deed submitted by Attorney Perkins on 10/28/04, substituting "conservation easement" for the term "conservation restriction" wherever the latter appears in the document. Purinton seconded the motion. The motion passed by a vote of 4 to 0.

**Establishment of Tri-Party Agreement for 20 Kimball Ave.** Peter Ross provided a draft Tri-Party decision to the Planning Board.

**MOTION:** Purinton moved to establish a Tri-Party Agreement as surety for the completion of work at 20 Kimball Ave. Weatherall seconded the motion. The motion passed by a vote of 4 to 0.

**Debriefing: Zoning articles at Fall Town Meeting.** A general discussion of the results of Fall Town Meeting ensued.

### **Approval of Minutes: October 7, 2004**

**MOTION:** Purinton moved to approve the minutes of October 7, 2004. Weatherall seconded the motion. The motion passed by a vote of 4 to 0.

## **ADJOURNMENT**

**MOTION:** Purinton moved to adjourn. Weatherall seconded the motion. The motion passed by a vote of 4 to 0.

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Kate Day

The Planning Board approved these minutes on December 9, 2004.