

**IPSWICH PLANNING BOARD MEETING**  
**Thursday, April 20, 2006, 7:30 p.m.**  
**Room C, 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 April 20, 2006 at 7:30 p.m. in Room C, 2nd floor of Town Hall. Board members Tim Purinton, Mike Ryan, John Soininen, Bob Weatherall and Charlie Allen attended. Associate member Emily Levin, Planning Director Glenn Gibbs and Planning Assistant Kate Day were also present.

Tim Purinton called the meeting to order at 7:30 p.m.

**CITIZEN'S QUERIES**

There were none.

**FORM A**

**Form A applicant The 14 Mill Road Realty Trust, to adjust lot lines, 17 Mill Road.**

MOTION: Ryan moved to find that the subdivision control law does not apply. Allen seconded the motion. The motion passed by a vote of 5 to 0.

**Form A applicants Robert and Stanley Hetnar, to create one lot, 12 Fowler's Lane.**

MOTION: Allen moved to find that the subdivision control law does not apply. Ryan seconded the motion. The motion passed by a vote of 5 to 0.

**Form A applicant Peter Lopes, to create one lot, 304 High Street.**

MOTION: Ryan moved to find that the subdivision control law does not apply. Allen seconded the motion. The motion passed by a vote of 5 to 0.

**OTHER BUSINESS**

**Request by Sarah Winderlin to modify approved Special Permit plan for 87 High Street.**

Winderlin submitted revised drawings, prepared by Mathew Cummings and dated 4/20/06, and briefly discussed changes proposed to the barn's exterior. The Board thanked Winderlin for soliciting the Board's approval prior to proceeding with changes to the approved plan, and commended her for setting a procedurally correct standard for the project.

MOTION: Soininen moved to find the requested modification to be a minor one. Weatherall seconded the motion. The motion passed by a vote of 5 to 0.

MOTION: Soininen moved to approve the modification, as shown on the revised drawings. Weatherall seconded the motion. The motion passed by a vote of 5 to 0.

**Wright Way Definitive Subdivision. Request to modify decision to allow applicant to deposit cash surety with Town instead of executing a Tripartite Agreement.**

MOTION: Soininen moved to modify the Wright Way Definitive Subdivision decision dated September 15, 2005 to allow the deposit of cash surety in the amount of \$80,000 in place of the tripartite agreement originally specified in the decision. Weatherall seconded the motion. The motion passed by a vote of 5 to 0.

**PUBLIC HEARING**

**Request by Turner Hill Preservation Associates LLC to extend the terms of the December 4, 2003, modification of the GEPD Special Permit to allow additional time for the construction of 18 affordable units on County Road.** Attorney Don Greenough, representing the YMCA, noted that he had submitted a letter dated April 10, 2006, to Glenn Gibbs requesting that an extension of the time period for the construction of at least 18 units of affordable housing at 108 and 112 County Road to December 1, 2009. Greenough submitted to the Board a letter dated April 18, 2006 from housing consultant Jim Hexter, providing additional information regarding the likely date by which the project could be completed. Greenough also submitted a letter dated April 19, 2006, from Thomas M. Looney of Bartlett, Hackett, Feinberg regarding the likely time frame for the conclusion of the pending appeal. Allen responded that the estimates provided appeared reasonable. Soininen asked, "What is the link between Turner Hill and the obligation to construct the affordable units?" and Allen read a portion of the December 2003 decision aloud. Allen stated that he felt that this decision allows the discharge of all remaining responsibility on the part of Turner Hill through the satisfaction of the conditions set forth. Greenough noted that Turner Hill's attorney has requested a Certificate of Compliance to indicate the Board's affirmation that Turner Hill's obligations under the Special Permit have been fully discharged. Purinton asked if the requested extension constitutes a modification to the Special Permit decision and Allen contended that it did not. Gibbs indicated that he has sought an opinion from Town Counsel, but has not yet received one, regarding how to procedurally extend the time period within which the affordable housing must be constructed. Carl Gardner of 9 Woods Lane stated that he had been in touch via e-mail with Allen and Gibbs regarding the extension, the timetable for completion, and a covenant to be recorded with the title which Gardner felt Town Counsel should review to make sure it appears to be enforceable. Gardner proposed granting a one year extension; Allen responded that one year is unrealistic. Reta Pelletier of 59 Topsfield Road asserted that the project is inconsistent with the neighborhood and that only a one year extension should be granted. The Board decided to postpone further discussion until the next meeting and to await the guidance of Town Counsel.

MOTION: Allen moved to continue the discussion to May 11, 2006. Ryan seconded the motion. The motion passed by a vote of 5 to 0.

**Willowdale Hill: Request for modification of Special Permit regarding requirement for plan endorsement.** Graham submitted a letter to the Board dated April 20, 2006.

MOTION: Weatherall moved to find the requested modification to be a minor modification. Ryan seconded the motion. The motion passed by a vote of 5 to 0.

MOTION: Weatherall moved to modify the Special Permit for Willowdale Hill dated June 3, 2004, to require that Conditions 2, 4 through 9, 15 and 16 be met prior to the start of construction.

## **PUBLIC HEARING**

**85 Turnpike Road, Unit 1. Request by Richard A. Theriault, Jr. for a Special Permit to allow the repair and restoration of automobiles (Map 27B Lot 5C).** Gibbs introduced the request by noting that the use requires a Special Permit in the Planned Commercial (PC) district. Theriault told the Board that he did not plan to change anything on the outside of the building in connection with the restoration/repair business he proposes for Unit 1. Ryan asked how many cars would be being repaired at one time, and Theriault responded that a total of 3-4 cars would be inside at one time. He continued that he might occasionally need to shuffle cars around, and would sometimes park a car or two outside for part of a day, but in general would not expect to need overnight parking outside. Soininen asked that the permit be crafted to run with the use. Purinton inquired if a licensed hazardous materials firm would be hired to dispose of waste, and Theriault indicated that he would do so. Abutter Pam Marcourelle of 333 Linebrook Road offered no objection to the use. The Board decided to include a condition that the hours of operation be limited to 7 a.m. to 6 p.m. Monday through Saturday. The Board discussed limiting the number of vehicles to be stored outside, and restricting storage of cars to the rear of the building.

MOTION: Allen moved to close the public hearing. Weatherall seconded the motion. The motion passed by a vote of 5 to 0.

MOTION: Allen moved to approve a Special Permit decision to be prepared by the Planning staff, in accordance with the conditions discussed by the Board during the public hearing. Soininen seconded the motion. The motion passed by a vote of 5 to 0.

**30 South Main Street. Request for Site Plan Review by Entertainment Management Corporation and the Town of Ipswich for the conversion of the former Town Hall to a theatre and other retail and commercial uses. The Applicants are also seeking a Special Permit to provide an alternative to the required number of loading spaces.**

MOTION: Soininen moved to continue the public hearing to May 11, 2006. Ryan seconded the motion. The motion passed by a vote of 5 to 0.

**55 Mitchell Road. Request by 55 Mitchell Road Nominee Trust for site plan review for construction of two new contractor storage buildings and a new wood working shop at 55 Mitchell Road (Map 21 Lot 18J).** Purinton read the public notice. Vaclav Talacko and Al Taney of Hancock Associates reviewed the proposed site plan. Soininen asked whether a bathroom was contemplated for the storage building, and Talacko asserted that there would be no need for bathroom facilities as contractors visiting the storage facilities were not expected to spend much time at the site. Talacko then reviewed the requested waivers, and Soininen indicated that, while it might be acceptable for the Board to waive the requirement that the landscape plan be completed by a registered landscape architect, the plan needed more and better screening. Abutters Kelley and Petr Kloub of 65 Mitchell Road asked if the open space percentage provided included land within their right-of-way, and the Board responded that this area should not be included in open space percentage calculations. Petr Kloub posed the

question of whether his right-of-way across the property should require the applicant to observe setback requirements from the right-of-way boundary, and a discussion ensued. The Board scheduled a site visit for Monday, May 24<sup>th</sup> at 6:00 p.m., and requested that the corners of the proposed building and the entrance be staked. Allen encouraged the applicant to consider the provision of additional screening at the site.

MOTION: Weatherall moved to continue the public hearing to May 11, 2006. Soininen seconded the motion. The motion passed by a vote of 5 to 0.

**130 Argilla Road. Request by Denis and Elizabeth Robitaille for Scenic Road approval to allow the relocation of approximately 11 feet of stone wall and the removal of one tree in order to relocate a driveway.** The Board reviewed and discussed the draft decision. Abutter Dan Larson inquired about the location of the Town right-of-way, and explained that his concern centers on the potential loss of vegetation up grade from his home.

MOTION: Allen moved to close the public hearing. Soininen seconded the motion. The motion passed by a vote of 5 to 0.

MOTION: Allen moved to approve the draft decision as amended. Soininen seconded the motion. The motion passed by a vote of 5 to 0.

## **OTHER BUSINESS**

**59 Mitchell Road. Request for modification of Site Plan Review.** Purinton summarized his conclusions from his site visit. He noted several issues, among them: 1) the open space standard in the bylaw is being violated by the intensity of the use of the site, and virtually the entire site is impervious; 2) re-establishing the use of the detention area would infringe on the use of bays; 3) it is unclear what was required for fencing in the original plan; and 4) the stone wall is poorly laid. McCarthy responded that Meridian feels that the drainage is adequate on the site and supplied some further engineering solutions in their report. Gibbs noted that the typical process would have the Town's consulting engineer review the Meridian report. Purinton asked McCarthy if he is meeting the open space requirement for the site, and asserted that the answer is no. The Board also noted that McCarthy is storing and parking vehicles on the property in a more intense use than is permitted in the bylaw.

**84 Turnpike Road. Request by Joe Nekoroski for approval of as-built plans.** Gibbs reviewed and summarized the history of the project to date. He suggested, and has discussed with the applicant, the appointment of a Board member to be designated to help move the project forward. Mike Ryan of the Planning Board offered to serve in this role to facilitate the resolution of remaining site issues. Jeff Harden, LSP, of Underground Engineering LLC delivered a letter dated April 20, 2006 to the Board from Buchanan & Associates, and Harden emphasized that the key unresolved issue from the owner's standpoint is the catch basin, further described in the letter.

## **PUBLIC HEARING**

**49 Turnpike Road: Request by Pelletier-Millbury Corporation for Site Plan Review for a proposed 5,000 square foot building with associated parking.** Engineer John Grenier and applicant Parris Pelletier appeared before the Board. Grenier reviewed his response letter dated

April 29 to VHB's memo of April 20, 2006. Soininen directed the applicant to either request a waiver or show that the turning radius is adequate for a 60' tractor trailer (comment M.4.). Grenier reviewed the landscaping plan, and the Board registered its overall lack of confidence in the design, making particular note that Norway maples were specified. The Board asked the applicant to return with a plan prepared by a more qualified designer and instructed the applicant to retain the services of a registered landscape architect to develop a new plan. Soininen noted that no substantial progress has been made on three issues: sight distance analysis, the truck turnaround constraints, and landscaping. Cassandra Pezdirtz of 8 Alderson Drive noted that the plan has evolved to include a large amount of fill at the entrance. Matt Fionda of 7 Alderson Drive pointed out that the culvert on his side of Turnpike Road is getting wetter and shows increasing amounts of wetland vegetation every year and expressed concern about the impact of increased fill on his property's drainage. Allen indicated that the Board would require that no additional off-site runoff will be created as a result of the proposed development. The Board discussed the possibility of reviewing a completed submission prior to its next meeting in subcommittee, possibly on May 10, and expressed impatience with the pace at which the project was proceeding.

MOTION: Soininen moved to continue the public hearing to May 11, 2006, but admonished the applicant to have submitted complete and comprehensive material as requested prior to the meeting. Ryan seconded the motion. The motion passed by a vote of 5 to 0.

## **OTHER BUSINESS**

**7 Perley Avenue.** Chris Sciacca and engineer Larry Graham appeared before the Board, with Graham referencing the Special Permit decision of April 21, 2005 for 14 Brownville/7 Perley. The Board discussed areas of discrepancy between the draft as-built and the approved plan, and determined that it would require the applicant to remove the second driveway but allow the other changes shown on the as-built.

MOTION: Allen moved to find the proposed changes (i.e., the installation of a fence and gate, landscaping changes and the alterations to the main driveway) to be minor in nature. Soininen seconded the motion. The motion passed by a vote of 5 to 0.

MOTION: Allen moved to allow the minor modifications, specifically excluding the second driveway, which is to be removed. Weatherall seconded the motion. The motion passed by a vote of 5 to 0.

### **36 High Street. Request by Bilken Real Estate Trust for a Special Permit to allow the conversion of an accessory building to a residential unit.**

MOTION: Allen moved to approve the draft decision. Weatherall seconded the motion. The motion passed by a vote of 5 to 0.

**Application by River Road Realty Trust for Definitive Subdivision Approval for a two-lot subdivision at 76 Paradise Road.** Gibbs indicated that he needed additional time to work out details of the draft decision with the DPW director, and recommended that the Board defer action on the draft decision until the next meeting.

## **ADJOURNMENT**

MOTION: Allen moved to adjourn. Soininen seconded the motion. The motion passed by a vote of 4 to 0.

The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Kate Day

The Planning Board approved these minutes on May 17, 2006.