

IPSWICH PLANNING BOARD MEETING
Thursday, October 26, 2006, 7:30 p.m.
Room A, 2nd 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 26, 2006 at 7:30 p.m. in Room A, 2nd floor of Town Hall. Board members Tim Purinton, Mike Ryan, Bob Weatherall and Jim Manzi 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

Web Bingham, representing the Ipswich Commission on Energy Use and Climate Protection, reviewed the purpose of the new Commission and requested that the Board appoint a representative.

MOTION: Weatherall moved to nominate Emily Levin as the Planning Board's representative to the Commission on Energy Use and Climate Protection. Ryan seconded the motion. The motion passed by a vote of 4 to 0.

FORM A

Form A applicant Marie Stella, to create a lot to be joined to and made part of an adjacent lot at 13 Quay Road (Map 15B, Lot 29). **(Withdrawn at the applicant's request)**

Form A applicant Roman Catholic Archbishop of Boston, to create a lot to be joined to and made part of an adjacent lot at 1 Pineswamp Road (Map 30D Lot 135). Attorney William Page appeared for the applicant. He indicated that Parcel 1 would be conveyed to the abutters and Parcel 2 is being created so that it may be leased to the abutters; Gibbs requested that a note be added to the plan to that effect.

MOTION: Manzi moved to find that the subdivision control law does not apply. Ryan seconded the motion. The motion passed by a vote of 4 to 0.

OTHER BUSINESS

Blaisdell Terrace Extension. Request for approval of landscape plan and request for release of surety. Attorney Tom Beatrice represented owner Scott Boches. After a brief discussion, the Board determined that the following should be completed:

- Submission of a landscaping plan prepared by either a registered landscape architect or, with Planning Board approval, a professional designer from Corliss Brothers or other, similar firm;
- Street tree plantings should be checked for condition on a return visit by Weatherall;

- The applicant will submit a certification from the contractor attesting that the drywells serving the house were installed according to the specifications and in the locations shown on the approved plan;
- A draft easement will be submitted for review and approval by the Board;
- Evidence that the approved plans were recorded will be provided.

Board members indicated their willingness to take up the above matters at the next meeting, and encouraged the applicant's attorney to submit the requested material so that full release of surety could take place.

MOTION: Weatherall moved to authorize the partial release of \$1,500 in surety, reflecting the satisfactory completion of the bituminous berm (\$1,200) and the waiver of the requirement to install a "one-way" sign in the turning circle (\$300). Manzi seconded the motion. The motion passed by a vote of 4 to 0.

CONTINUED PUBLIC HEARINGS

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. Gibbs summarized the subcommittee meeting. Grenier indicated that he is pursuing the possibility of using the fabric mesh system suggested by VHB as a slope stabilization measure; if acceptable to the Conservation Commission, use of this technology could eliminate the need for the large retaining wall as currently proposed. Grenier has asked a landscape architect to draw up revised plans for the Board's next meeting. Purinton asked about sight distance issues, and Grenier indicated that he would be submitting final calculations to VHB, along with other materials related to the final plan for the retention pond. Abutter Cassandra Pezdirtz of 8 Alderson Drive asked about the height of the retaining walls planned under this alternative scenario, and Grenier responded that this new solution would minimize the intrusiveness of the system, asserting that the wall would not be visible from Route 1 at all.

MOTION: Weatherall moved to continue the public hearing to November 16, 2006. Manzi seconded the motion. The motion passed by a vote of 4 to 0.

5 Roberts Road. Request by Hansbury and Finn, Inc. for Definitive Subdivision Approval for an eight-lot subdivision to be known as "Willowdale Circle" (Map 26 Lot 3). Engineer Larry Graham and applicant Mark Finn appeared before the Board. Graham acknowledged the receipt of five documents from abutters, to which he will prepare a response for the Board's next meeting, and noted that VHB's first engineering review of the project should be received within a few days. He stated that he had met with DPW Director Bob Gravino to discuss drainage in the Charlotte/Randall Road area, and that he had also met with David Santomena of Essex County Greenbelt Association regarding permanent protection of the parcel's open space. Purinton noted Graham's plan for a coordinated and comprehensive response to issues raised by abutters, the ConsCom, and VHB, and suggested that the Board withhold comments until Graham's response was received. Purinton then invited public comments. Abutter Nancy Gallant of 2 Roberts Road questioned the provision of a potential connection to the Mello's property, and the provision that the playground/common area would be for the exclusive use of Willowdale Circle residents. Mary Manning of 8 Randall Road asked about the duration of the construction phase of the project and requested an estimate of the number of truckloads of fill.

She also asked about plans for the Hansbury-owned lots at the end of Randall Road, and Graham responded that this property is outside the scope of the project currently under review. Manning then submitted photos for the Board's review of pipes present on the site which she contended contained asbestos. Graham indicated that he would follow up to investigate the nature of the pipes in question. The Board set a date of Monday, November 13 at 7:30 a.m. for a subcommittee meeting and invited interested abutters to attend.

MOTION: Weatherall moved to continue the public hearing to November 15, 2006. Manzi seconded the motion. The motion passed by a vote of 4 to 0.

OTHER BUSINESS

36 Newmarch Street/Dorr Court Preliminary Plan Approval. Review of subcommittee discussion regarding outstanding issues prior to submittal of Definitive Plan. Engineer Larry Graham and applicant Linda Bucci appeared before the Board. Manzi summarized the conclusion of the subcommittee that the area of the proposed private way could be included in the lot area, noting that the subcommittee had consulted with Building Inspector Jim Sperber and had further concluded that the frontage on the proposed private way can serve as frontage for the proposed lot. In a poll of the Board, Manzi, Purinton, Ryan and associate member Levin all indicated that they were satisfied that Condition 10 of the Preliminary Subdivision decision had been satisfied; Weatherall declined to do so.

Egret Court Definitive Subdivision. Request by Mike Hoey for discussion of revised concept plan. Owner Mike Hoey and engineer Larry Graham appeared before the Board. Hoey stated that he purchased the property in April 2006, and now desires to improve the design of the driveway and lot. Graham noted that the earlier design was largely driven by concerns about firetruck turning radii. Graham has measured the fire engine which, according to the Fire Department, would be the one to service the property in an emergency and has calculated that a turning radius of 29 feet would be sufficient to accommodate the vehicle's needs. His revised plan for the turnaround calls for a 35 foot turning radius (70' diameter) and provides for the relocation of the house to a more desirable spot provided that legal considerations regarding the discontinuation of the paper street on the border of the property can also be resolved. Gibbs pointed out that the lowest standard for turning radii in the Board's regulations calls for an 80' diameter circle; in response, Hoey submitted a letter from Will Maker of the Fire Department expressing no objection to the proposed reduction. The Board briefly discussed legal considerations which will govern the elimination of the paper street, and Graham and Hoey indicated that – given the Board's overall lack of objection to the proposed 35' turning radius – they would begin to pursue the elimination of the way. In the meantime, Hoey asked for an extension of the time within which construction must be substantially completed.

MOTION: Weatherall moved to extend the date for substantial completion to November 2007. Manzi seconded the motion. The motion passed by a vote of 4 to 0.

12 Perley Avenue. Discussion of condition relating to consulting engineer's certification of drainage. Purinton acknowledged receipt of Graham's letter of October 25, 2006, certifying the adequacy of the drainage design and requested that Graham stamp the letter. Graham agreed to submit a stamped letter to the Board.

15 Spring Street. Request by Mark Robins to discuss possible conversion of accessory building to a dwelling at 15 Spring Street under VI.B. Table of Use Regulations, Footnote 23. Robins

stated that he received approval from the ZBA to construct a garage on his property on November 9, 2000. He began construction in November of 2001. In the interim, the Fall Special Town Meeting passed Footnote 23 to Section V.D. of the zoning bylaw. Footnote 23 allows the conversion of an accessory building to a dwelling unit by Special Permit, but clearly stipulates that, to be eligible, the building must have been in existence prior to the passage of the bylaw amendment. Gibbs asked the Board to consider whether the proposed conversion satisfies the terms of the bylaw, and the Board concluded that the language of the bylaw may indeed preclude the approval of the project. Board members will conduct individual site visits and discuss the proposed project again at the November 16 meeting.

6 Essex Road/Southgate. Request for approval of as-built plan. Manzi recused himself. Molly Martins indicated she had submitted as-built plans which have been reviewed and conditionally approved by both the Town Engineer and Kate Day of the Planning Department. She acknowledged that the plan showed the stockade fence along the northern edge of the property encroaching on abutting land and indicated that she would either obtain an easement from the abutter or arrange to have the fence relocated. The Board declined to approve the as-built plans until evidence is submitted showing that the encroachment matter has been satisfactorily resolved.

Pitcairn's Way. Request by Tony Tiro for partial release of surety. After a brief discussion, the Board decided to postpone action on this matter until the next meeting.

87 High Street. Request by Sarah Winderlin for discussion of affordable housing condition, Special Permit decision for a dwelling in an accessory building. The Board reviewed the draft affordable housing restriction submitted by attorney Richard Kallman. Manzi suggested that the restriction needs to be tightened up, and should be revised to run with the land as a restrictive covenant that binds all subsequent owners of the property.

MOTION: Weatherall moved to approve the draft affordable housing restriction, provided that it is revised, reviewed and approved by Jim Manzi. Ryan seconded the motion. The motion passed by a vote of 4 to 0.

Discussion: proposed Community Development Strategy, necessitated by a housing application for 98 Central Street. Gibbs summarized the project, noting that to secure the financing necessary to make the third unit affordable at the 80% of median income level, the Town, as applicant, must demonstrate that a Community Development Strategy (CDS) is in place. The CDS, as written, is consistent with the Town's Community Development Plan and other planning documents.

MOTION: Weatherall moved to adopt the Community Development Strategy dated October 26, 2006. Ryan seconded the motion. The motion passed by a vote of 4 to 0.

55 Mitchell Road. Request for endorsement of plans.

MOTION: Weatherall moved to authorize Gibbs to endorse the plans. Ryan seconded the motion. The motion passed by a vote of 4 to 0.

84 Turnpike Road/Tee Time Golf. The Board acknowledged receipt of correspondence in their packet: a letter from Nixon Peabody dated September 13, 2006, and e-mails from Anne Waisnor

dated September 18 and October 6, 2006. The Board elected to postpone discussion of the correspondence until a meeting at which both Ms. Waisnor and Mr. Nekoroski could be present.

Approval of minutes:

MOTION: Ryan moved to approve the minutes October 5, 2006. Weatherall seconded the motion. The motion passed by a vote of 4 to 0.

MOTION: Ryan moved to approve the minutes of the October 5, 2006, executive session. Weatherall seconded the motion. The motion passed by a vote of 4 to 0.

EXECUTIVE SESSION

At 10:40 p.m., by motion of Weatherall, seconded by Ryan, the Board was polled and unanimously voted to adjourn to Executive Session for the purpose of discussing matters under potential litigation, not to return to regular session.

Respectfully submitted,

Kate Day

The Planning Board approved these minutes on December 7, 2006.