

IPSWICH PLANNING BOARD MEETING
Thursday, September 11, 2008 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 September 11, 2008 at 7:30 p.m. in Room A, 2nd floor of Town Hall. Board members Tim Purinton, Jim Manzi, Brian Hone, Bob Weatherall and Cathy Chadwick attended. Associate member Suzanne Benfield, Planning Director Glenn Gibbs and Assistant Planner Kate Day were also present.

Manzi called the meeting to order at 7:35 p.m.

CITIZEN'S QUERIES

There were none.

FORM A

166 Argilla Road. Request by Anne J. Hezzey for the creation of one non-buildable lot. Glenn Wood, 138 Argilla Road, appeared before the Board.

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

PUBLIC HEARINGS

180 Town Farm Road. Request by the Ipswich Municipal Light Department and Ipswich School Department for a Special Permit to allow the installation of a wind energy conversion system (i.e., wind turbine generator) on Town-owned property at the end of Town Farm Road (Assessor's Map 13 Parcel 25). Manzi read the public notice. Jonathan Markey of Meridian Associates appeared before the Board. Markey summarized the proposed project. When questioned about noise, Markey asserted that, because the nearest residence is over ½ mile away, noise from the turbine will be inaudible to any surrounding residences. He submitted evidence from the FAA that there is no presumed hazard for aircraft. He summarized the history of the project, which evolved from two different projects originally, one WECS for school department and another proposed by the Utilities Department. The project as now proposed, a 1.5 – 1.65 MW turbine at end of Town Farm Road, represented significant cost and energy efficiencies. The Town will save approx 2000 tons of carbon emissions, and the facility is removed from visual and noise impacts in town, with no adverse impacts to bat and avian populations. The site is located well outside any jurisdictional areas for ConsCom. Hone queried Markey regarding the decibels calculations and noted that some noise might be actually be audible to nearby residents based on his calculations. Purinton noted that the Board had passed a new provision in the bylaw to allow WECS, and questioned the applicant about various specifics of the proposed turbine. He requested that the Board be given a copy of the DeRosa report on environmental (bat and avian) consequences. Weatherall inquired about the amount of site grading necessary for the project. Hone asked about whether any improvements might be necessary on Town Farm Road – Markey said the road was adequate and that the culverts, with bridging equipment, would be sufficiently strong to support the equipment necessary for installation. Purinton said he would like to review a

copy of the DeRosa report before making a decision. Weatherall asked about the building schedule – Markey said they'd like to start construction soon after the New Year and have the project completed by June 30. Rick Korb responded that the funds must be expended by Dec. 31 of 2008.

MOTION: Weatherall moved to continue the public hearing to October 2, 2008. Hone seconded the motion. The motion passed by a vote of 5 to 0.

175 County Road. Request by the First Presbyterian Church for modification to Site Plan Review decision of November 24, 1998, to allow additional parking and other modifications to the approved plan. Manzi read the public notice. Engineer Larry Graham, Don Haiges, Chair of the Board of Trustees for the church, and attorney Rich Kallman appeared before the Board. Graham summarized the discussion at the last Planning Board meeting, at which time the Board requested that a filing for a major modification be submitted. Graham began by suggesting that the area subject to the proposed major modification is consistent with the boundaries of the original area subject to Site Plan review, with the exception of the rear parking area and the additional parking along the southwest edge of the site. He described the paving and proposed landscaping. Manzi asked Graham to clarify what is getting paved that is currently not paved. Purinton asked why the leach field could not be used for parking – Graham responded that the current field is not designed for parking loads. Weatherall asked about the proposed light fixtures- Graham responded they are cutoff fixtures on a 12 foot post. Weatherall asked that a cut sheet be submitted. Haiges noted that they will all be on timers, as the current light fixtures are. Barbara Carpenter, trustee of abutting land at 187 County Road, indicated that she feels that the buffer between her property and the parking lot is inadequate: it is all deciduous trees between her property and the parking lot and the expanded parking lot will be clearly visible from her land. Lewis C. Austin of 189 County Road expressed a concern for the screening as well. Manzi proposed a site visit, and asked Graham to stake the corners at the rear corners of the parking lot. Austin suggested that waiting until leaves have fallen would yield more information about possible viewshed intrusion. Haiges asked for permission to conduct paving operation right away, and to consider the rear parking lot as separate. Weatherall was disinclined to allow paving until the island details and planting details are resolved, and the Board in general felt that many details remain to be resolved. Kallman reminded the Board that the SJC had ruled that some aspects of religious use of land cannot be regulated under Dover; Manzi responded that there is discretion for Planning Boards to regulate aspects of development under site plan review. Graham asked if the Board would be willing to allow just the paving to proceed, and Manzi said he'd be willing to go along with this request. Graham said that, if this would be allowed, no trees would be removed – Manzi stated that it would be necessary to determine the paving to be a minor modification. Weatherall opposed the notion, on the grounds that the island landscaping issues need to be decided. Kallman said that because this is a religious and non-profit institution, a balance needs to be struck. Weatherall advocated for making this project the best landscaping job possible. Purinton supported waiting and resolving entire plan before allowing applicant to proceed with any paving. Justin Boucher, of 18 North Main Street, attending as an interested citizen, asked if asphalt curbing was an option. Purinton asked if raingardens might work on the site, and Graham responded in the negative. The Board set a site visit for Saturday, September 20, 2008, at 8:30 a.m.

MOTION: Chadwick moved to find that the proposed paving is a minor modification. Purinton seconded the motion. The motion passed by a vote of 5 to 0.

MOTION: Chadwick moved to approve the minor modification. Purinton abstained, Chadwick and Manzi voted yes, and Hone and Weatherall voted no. The motion failed by a vote of 2 to 2, with one abstention.

2 Soffron Lane. Request by Brewery Properties Group, LLC, for a Special Permit, Site Plan Review, and Design Review for a brewery at 2 Soffron Lane (Map 41B, Parcel 281).

Engineer Larry Graham, applicant Rob Martin and architect Frank Wardley appeared before the Board. Wardley began by presenting the plan, incorporating a review of comments received from the Design Review Board. He noted that trees have been moved forward from the building, and color samples have been provided. Wardley also noted that lighting had been discussed with the Design Review Board (DRB). He noted that a full cutoff metal halide fixture cut sheet has been selected, and he reviewed the revised placement of the light fixtures. He noted that they have yet to determine which lights would remain on, after hours, for security. Gibbs requested that a photometric plan be prepared for review by the Board. He further noted that the DRB was quite pleased with the plan. Chadwick and Weatherall volunteered to serve on the subcommittee. Benfield asked if the DPW director had responded to Graham's letter requesting that signs and a gate be allowed; Graham said he had not yet heard from Bob Gravino. Gibbs asked Wardley and Graham about using a different material such as cobbles to delineate the delivery area. He also noted that the angle-in parking would need to be public spaces. Manzi asked to see the proposed hours of operation. The Board then set a date for a subcommittee meeting: Tuesday September 23, at 4:30 p.m.

MOTION: Purinton moved to continue the public hearing to October 2, 2008. Weatherall seconded the motion. The motion passed by a vote of 5 to 0.

Proposed zoning amendments, Special Town Meeting October 20, 2008. Manzi read the public notice.

- **Hazardous and Toxic Materials Regulation:** Amend "V. USE REGULATIONS" by deleting current provisions relating to regulation of hazardous and toxic materials; and amend "IX. SPECIAL REGULATIONS" by adding a new subsection "P. Requirements for Uses Involving Hazardous and Toxic Materials", which establishes regulations aimed at minimizing community exposure to hazardous and toxic materials.
- **Green Space Preservation Development:** Amend "IX. SPECIAL REGULATIONS" by: modifying subsection "H.2.1" to expand the allowed processing uses associated with research and development facilities in Great Estate Preservation Developments; adding a new subsection "O. Green Space Preservation Development (GSPD)", which establishes an overlay district to allow low-impact non-residential uses on five large parcels within the RRA and RRC Districts, and establishes standards and requirements for said uses; and amending the official zoning map to map the GSPD District.
- **Green Building Incentives:** Amend "III. DEFINITIONS" by adding the definition of "GREEN BUILDING", "LEED", and "U.S. GREEN BUILDING COUNCIL"; amend "IX. SPECIAL REGULATIONS", by adding a new subsection "N. Green Building Incentives", which provides incentives to encourage the construction of resource-efficient buildings which reduce the environmental impacts of development.

- **Miscellaneous Changes:** Amend “II. APPLICABILITY” by allowing extension of time period for reconstruction of structures subject to demolition delay; amend “III. DEFINITIONS” by revising the definition of “LOT AREA”; amend “V. USE REGULATIONS” by clarifying that Assisted Living Facilities are subject to affordability requirements, deleting requirement that Town Engineer review access for farm stands, prohibiting research & development facilities as principal uses in residential districts, but allowing as accessory uses, deleting condition imposed on funeral/nursing homes, and allowing outdoor hydronic heaters as accessory uses by special permit; amend “VI. DIMENSIONAL AND DENSITY REGULATIONS” by establishing criteria for ZBA to apply when considering special permit requests for large accessory buildings and eliminating lot width requirement inserted for proposed but never adopted Neartown Residence District; amend “VII. OFF-STREET PARKING AND LOADING” by authorizing ZBA to allow reduced parking requirement for accessory apartments; amend “IX. SPECIAL REGULATIONS, by deleting archaic references to “in-law” apartments and clarifying residency and dwelling unit requirements in “J. Accessory Apartments” and modifying “K. Design Review, 4.c.” relative to exemptions.

After some discussion of the proposed articles, Gibbs suggested that the Board hold one further hearing on the proposed zoning bylaw changes. The Board scheduled a special meeting for Thursday, September 18, 2008 at 7:00 p.m.

OTHER BUSINESS

54-56 Washington Street. Request for Planning Board authorization for approval of temporary C.O. pending completion of HOME loan process. Don Finocchio appeared before the Board. Gibbs summarized Finocchio’s request, noting that when the Board approved the third unit, all the affordability requirements were to have been satisfied prior to occupancy. For various reasons, all of these requirements have not been met. Finocchio is requesting that the he be allowed to rent the third unit under a temporary c.o., and Gibbs recommended that the Board grant the request.

MOTION: Purinton moved to modify the language of the Special Permit decision pertaining to allow the issuance of a temporary certificate of occupancy pending the completion of the affordability requirements. Weatherall seconded the motion. The motion passed 5 to 0.

Turner Hill. Review of draft screening requirement language for the 9th hole, and request for discussion of responsibilities of each ownership entity. Gibbs noted that the request to hold this discussion had been deferred to the next meeting. He reminded everyone to visit Turner Hill and take a look at the building that is visible.

19 North Main Street. Discussion of engineering review proposal. Gibbs summarized the dilemma about hiring alternative engineer Tom Minetta. The Board reviewed a letter from Sarah Stanton and decided that, after consultation with the Building Inspector about a violation notice, to require that Fouser submit the funds and Cammett be retained to conduct the review.

Potential Design Review Board appointment. Gibbs explained that there is a Planning Board appointment available to the Design Review Board as a result of the resignation of Tom Troller. The candidate, Justin Boucher, is not a registered architect, Maiya is not registered, Ken Savoie is

registered and, while the technical requirement is that two registered architects sit on the Board, it is unlikely that a candidate will step forth at the present time. The Board did not object to this.

MOTION: Weatherall moved to appoint Justin Boucher to the Design Review Board. Hone seconded to appoint Justin to the Board. The motion passed by a vote of 5 to 0.

131-143 High Street. Proposed Shopping Center. Gibbs explained that the applicant had withdrawn the application due to wetlands issues on the site.

MOTION: Purinton moved to accept the request to withdraw the Special Permit application without prejudice. Hone seconded the motion. The motion passed by a vote of 5 to 0.

CONTINUED PUBLIC HEARING

178 Argilla Road. Request by Richard and Lisa Sommers for approval for the removal of two trees pursuant to the scenic road and public shade tree statutes.

MOTION: Weatherall moved to continue the public hearing at the applicant's request to October 2, 2008. Hone seconded the motion. The motion passed by a vote of 5 to 0.

APPROVAL OF MINUTES

MOTION: Purinton moved to approve the minutes of August 21, 2008. Hone seconded the motion. The motion passed by a vote of 5 to 0.

ADJOURNMENT

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

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Kate Day

The Planning Board approved these minutes on October 2, 2008.