

**IPSWICH PLANNING BOARD MEETING**  
**Wednesday, July 1, 2009, 7:30 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 Wednesday, July 1, 2009 in Room C, 2<sup>nd</sup> floor of Town Hall. Board members Jim Manzi, Bob Weatherall, Cathy Chadwick and Brian Hone attended as did Associate Member Suzanne Benfield. Planning Director Glenn Gibbs and Assistant Planner Kathy Connor also attended.

Jim Manzi called the meeting to order at 7:36 p.m.

**CITIZENS' QUERIES:** None.

**FORM A**

**14 Old England Road.** Request by Edward B. Marsh, represented by Charles Wear, Meridian Associates, to divide one lot into three lots (Parcel 1 on Assessor's Map 42D.) Wear stated that the owner felt confident that the Chapter 61A designation on a portion of the property will not be affected by the subdivision. Manzi said that Chapter 61A is a tax designation rather than a subdivision regulation. Benfield asked if the frontage on lot 1 was sufficient. She was told that it fell under the large lot exception (the lot has 75 feet of frontage). An abutter, Ken Savoie, 15 Old England Road, asked if the lots were going to change in usage. The answer given by Wear was no.

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

**OTHER BUSINESS**

**Requested: Phasing of payment-in-lieu fee for 3<sup>rd</sup> condominium at 9-11 Soffron Lane.**

Kastriot Qirici appeared before the Board. Gibbs explained to the Board that Qirici had paid \$30,000 to the Town for payment in lieu of affordable housing pursuant to conditions of the special permit approval but then had asked for \$10,000 back to correct a deficiency in the building, citing financial hardship. He received the \$10,000 to correct the problem. Currently only 1 out of the 3 condos are sold and only 1 of the units has a Certificate of Occupancy (CO). Qirici is proposing to pay back the outstanding \$10,000 in installments. Gibbs suggested putting a lien on the unit that remains to be sold and is currently being rented. Qirici agreed.

MOTION: Manzi moved that the Board approve the acceptance of \$500.00 per month payments as described in a Memorandum of Agreement, executed between the Board and the Applicant, contingent upon the Town holding a lien on the property until sold, with that action recorded within 30 days and a copy given to the Planning Board. Hone seconded. The motion passed by a vote of 4-0.

## CONTINUED PUBLIC HEARINGS

### **Requested: Special Permit to allow the conversion of an existing garage/barn into a dwelling unit at 25 High Street.**

Christopher Lane appeared before the board. Lane stated that he would like to go over the points he made in a letter that he had handed out at the site visit by the Planning Board on June 15<sup>th</sup>. He explained that utilities can be brought up to the barn according to MGL. The driveway is narrow, but Lane said that he had the right to widen it to 15 feet as recorded in the deed. Lane said that the barn looks old even if it isn't. He told the Board that he has a drainage plan but the plan is not signed by an engineer. Manzi said that he would not feel comfortable issuing the permit without a site plan created by a professional engineer. Lane said that he was fine with talking with an engineer. Benfield asked if Lane was prepared to address the water issue because the Town Engineer's memo said that a permit should not be issued before 25 High Street had its own water meter. Lane replied that he had talked to the Water Department. Weatherall said that the barn wasn't worthy of a conversion. Lane asked if that wasn't up to the Building Department. Weatherall said that it was up to the Planning Board's discretion. Gibbs explained that Section V, footnote 23 was a way to provide a housing opportunity if it could be shown that the conversion of an accessory building into a dwelling unit provided benefits to the Town that outweigh any adverse effects. He said that special considerations are put upon the issuance of such a Special Permit. The criteria applied include safety, compatibility with the surrounding neighborhood, adequacy of utilities and public services, and impacts on the natural environment as stated on page 101 in the Zoning Bylaws. Gibbs asked that the Board give Lane a sense of what he would need to do in order for him to make a decision on whether he wishes to proceed. Chadwick asked if the Board had raised the issue of affordability yet. Gibbs explained that in some instances, providing the new unit for a family member may satisfy that criteria but once that family member is no longer living there, the dwelling unit must be offered as an affordable unit. Lane had indicated that he would comply with the Board's requirements relative to the affordability of the proposed dwelling unit. Benfield said that her number one concern was access for emergency vehicles due to narrowness and grade of the driveway. Lane said that he had compared the grade to other public roads. Benfield and Hone both pointed out that public roads are maintained by the Town whereas private driveways are not. Manzi said that he had concerns about drainage, utilities and the driveway, all of which are expensive and require a professional engineer to draw up site plans, which would then need to be reviewed by a consultant. Weatherall said that the benefit does not come close to outweighing the cost to the neighborhood. Chadwick had concerns with safety. Hone said that while the Town needs affordable housing, after going through the criteria that Gibbs had cited, the stretch would be a hard one for him to favor the project. Weatherall said Lane must submit complete plans with materials lists before he could consider approving the application.

The meeting was opened to the public.

Paul McGinley, 26 High Street, told the Board that there is no public drainage in the street in front of the driveway. There are drains down the street in both directions but it would take a lot of work to force the run-off from the driveway into a storm drain. He showed the Board pictures of cars parked on the sidewalk and drainage being pumped out of 25 High Street down the driveway. McGinley said that per footnote 23 there can be no increase in the building envelope yet the drawing submitted with the application shows dormers and a 16'x19' deck which would abut the cemetery as well as an elevated roof. He said that public safety is an issue and that emergency egress is problematic. He added that the conversion would not be in keeping with the historic character of neighborhood.

Lane said that there could be more parking up near the proposed dwelling unit and that there is room to turn around. He showed the Board pictures of parking and an informal engineering plan.

Weatherall said he would challenge Lane to get his property surveyed and submit a professional plan or withdraw his application based on the mood of the Board.

MOTION: Manzi moved to close the public hearing. Weatherall seconded. The motion passed by a vote of 4 to 0.

MOTION: Weatherall moved to deny the Special Permit since the benefit to the Town does not outweigh the disadvantages to the Town based on the characteristics of the site and on the proposal in relation to the site. Hone seconded. The motion passed by a vote of 4 to 0.

**Vegetative Management Plan:** Sagamore Road, Candlewood Road, Fellows Road and Lakeman's Lane.

At the request of Tim Henry, Director of Utilities for the Town of Ipswich, the Planning Board agreed to continue the public hearing seeking Scenic Road approval to remove dead or compromised trees within the right of way along the aforementioned roads that may impede utility lines.

MOTION: Hone moved to continue the public hearing to the next Planning Board meeting. Weatherall seconded. The motion passed by a vote of 4 to 0.

**Vegetative Management Plan:** Waldingfield Road.

At the request of Tim Henry, Director of Utilities for the Town of Ipswich, the Planning Board agreed to continue the public hearing seeking Scenic Road approval to remove dead or compromised trees within the right of way along the aforementioned road that may impede utility lines.

MOTION: Weatherall moved to continue the public hearing to the next Planning Board meeting. Hone seconded. The motion passed by a vote of 4 to 0.

## **OTHER BUSINESS**

**Update:** Remand of Heartbreak Road Subdivision to Planning Board.

Edward Fagan was present. Gibbs gave the background on the history of the Heartbreak Road subdivision, ending with the SJC decision ordering a remand of the matter back to the Planning Board. A question was raised as to whether the Planning Board should engage the Town's current engineering consultant given that the one that was previously engaged no longer works for the Town. Gibbs informed the Board that the Town Counsel advises that we do so; Manzi agreed. Fagan asked if the Town could share the costs of paying for the engineer. When told no, Fagan suggested that the Board delay hiring an engineer, until the first hearing was held and it could be better determined what issues might need engineering review. The consensus of the Board was that some level of engineering review would likely be necessary but the Board reached no conclusion as to the amount and extent.

**Discussion:** Summer Planning Board meeting schedule.

The Board reviewed the current schedule and made the following decisions: the July 16<sup>th</sup> meeting will be held, but the August 6<sup>th</sup> meeting will be postponed until August 13<sup>th</sup>. The August 27<sup>th</sup> meeting is still tentatively scheduled.

[Chadwick left at 9:35 p.m.]

**Discussion:** Status of Zoning and Land Use Articles for Fall Town Meeting.

Gibbs reviewed with the Board, the progress that has been made to date. He noted that drafts of most of the zoning and land use articles have been prepared by the summer intern, Eric Senecal, and that work continues on them.

## **ADJOURNMENT**

MOTION: Weatherall moved to adjourn. Hone seconded. The motion passed unanimously.

The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Kathy Connor

The Planning Board approved these minutes on July 16, 2009.