

IPSWICH PLANNING BOARD MEETING
Thursday September 17, 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 Thursday, September 17, 2009 in Room C, 2nd floor of Town Hall. Board members Jim Manzi, Tim Purinton, Bob Weatherall and Cathy Chadwick attended as did Associate Suzanne Benfield. Planning Director Glenn Gibbs and Assistant Planner Kathy Connor also attended.

Jim Manzi called the meeting to order at 7:38 p.m.

CITIZENS' QUERIES: None.

OTHER BUSINESS

Updated: 10 Maple Avenue

Jonathan Orr appeared before the Board. He informed the Board that he is purchasing the property and will not be exercising the Special Permit granted to convert an existing barn on the property into an affordable housing unit. Instead he intends to convert the two-family dwelling into a single-family house and the barn into a guest house.

Maplecroft Farm

Kristen Grubbs, Open Space Program Manager, appeared before the Board. She explained that the Town, in partnership with two state agencies, is preparing a warrant article for Fall Town Meeting proposing the acquisition of development rights to property known as Maplecroft Farm. This property has long been considered a priority for preservation by the Town. Conservation restrictions would be placed on over 200 acres which will prohibit further development. A small area has been reserved by the owners as a building envelope for a future building. The family would continue to own the property and live there. Essex County Trail Association and Bay Circuit Trail Alliance are interested in a trail through the property connecting Essex Road to Argilla Road and out to Crane Beach eventually. Agricultural and athletic field use as well as occasional events would continue to occur on the property. The existing soccer fields' continued use would be formalized with a lease which would outline usage agreements on a year to year basis. The acquisition price has been set at \$5.1 million of which less than 50% (between \$2- 2.5 million) would be borne by the Town's bond program. The two state agencies which are involved in the discussions will each partner with the Town in preserving specific portions of the property – the agricultural portion would be held under the Agricultural Protection Restriction (APR) program run by the Department of Agricultural Resources while the Department of Conservation and Recreation has interests in the rest. These agencies are going through their processes to determine the level of funding that they can provide. Additional funding will also come through private sources.

[Gibbs arrived at 7:55 p.m.]

Manzi asked whether Grubbs had approached the Finance Committee. She said that she had and that the Finance Committee would be discussing it further at their next meeting. Chadwick had questions about what the size was of the reserved building envelope and why the lease for the soccer fields is 1 year. Grubbs said the reserved building envelope size is about 2 acres and that the 1 year lease for the soccer fields was a condition of the owner. Grubbs asked if the Board was willing to take a vote to endorse the project. The Board was willing.

MOTION: Purinton moved to support the acquisition of development rights for the mixed-use Maplecroft Farm property as consistent with the Community Development Plan. Hone seconded. The motion passed by a vote of 4 to 0.

CONTINUED PUBLIC HEARINGS

Proposed Zoning and Land Use Amendments for Fall 2009 Town Meeting

Sustainable Development Measures and Miscellaneous Changes

There were no public comments. Gibbs reviewed the changes with the Board. Most were suggested by the Finance Committee.

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

MOTION: Purinton moved to approve the amendments subject to any further edits. Chadwick seconded. The motion passed by a vote of 4 to 0.

Proposed Designation of Five Town Streets as Scenic Roads and Proposed Revisions to the Town's Scenic Road Bylaw

Gibbs explained that in addition to the 5 roads being proposed for Scenic Roads, there are also changes to the Scenic Road Bylaw itself. Sissy ffolliet asked how the Town can enforce the scenic road bylaw. She said that stone walls on scenic roads have been altered without Planning Board approval. Manzi said that the offending property owner is asked to appear before the Board if there is a concern although the Board doesn't have enforcement capabilities. Purinton said the proposed changes are making the bylaw better but there may be questions as to the effectiveness and ability to enforce. Weatherall said that the Tree Warden is the policing agent relative to the trees. Gibbs said that maybe this would be a good opportunity to provide some education to property owners. Purinton agreed. Weatherall will represent the Board concerning this article in Town Meeting. The Board will review the final revisions to the bylaws at the next meeting on October 8, 2009.

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

Special Permit to allow conversion of an existing garage into a dwelling unit at 15 Currier Park.

At the request of the applicant, the Planning Board agreed to continue the public hearing.

MOTION: Weatherall moved to continue the public hearing to the next Planning Board meeting. Purinton 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 the Planning Board, 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 was continued.

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

Vegetative Management Plan: Waldingfield Road.

At the request of the Planning Board, 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 was continued.

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

Heartbreak Farm Definitive Subdivision, 18 Heartbreak Road

At the request of the applicant, the Planning Board agreed to continue the public hearing.

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

OTHER BUSINESS

Determination of Adequacy of Access: 7 Blair Drive

Howard Schmidt, buyer, his attorney, Richard Kallman, friend, Jack Rivers, and Roger Equi, abutter, appeared before the Board. Kallman said that the 6.5 acre property is under a purchase and sale agreement. The Board was shown a plan depicting the property and the private road in question, known as Ida Hill Road. Road frontage and adequacy of the road as a travel way is an issue. Gibbs said that the applicant must demonstrate that the road and the lot existed before subdivision law was enacted if he seeks to upgrade the road outside of the Town's subdivision rules and regulations. A letter to the Board from Peter Ross, abutter, was discussed. The letter provided information asserting that neither the lot nor Ida Hill Road existed until after the subdivision laws were in place. Gibbs explained that the roadway improvement plan provisions are generally less onerous and more flexible than the subdivision regulations. Discussion ensued. Kallman asked if this lot could be approved with Dark Swamp Road frontage instead of Ida Hill Road. The large lot exception, which requires 50 feet of frontage instead of 150 feet, could apply to this property. The Board would have to find that Dark Swamp Road provides adequate access. Manzi said that if the road and lot existed before 1954, even if the road was just a path, it is enough to approve the road under the regulations, provided that it is improved to the satisfaction of the Board. Kallman asked if the Board would be open to allowing Dark Swamp Road as Adequate Access. Gibbs said that the same problem with the lot's creation date still exists. Manzi said that the other alternative is to improve the road under the subdivision regulations. Rivers asked if the 20 foot ROW out to Leslie would be acceptable under subdivision regulations. Gibbs said that it would require a substantial waiver whereas a 40 foot ROW would not need a waiver.

Informal Discussion: 86 Turnpike Rd

Stanley Agouritis, owner and Charles Wear, his engineer, appeared before the Board. Charles explained that his client has been marketing the property as a residence but has not been able to sell it. The property is not zoned residential. Therefore, they are proposing to build a two-story building with retail on the first floor and offices on the second floor. If proposed for professional office use, the plan would go before the Board through Site Plan Review. The site is almost all wetlands. Wear would like to site the building away from Route 1 a bit but then the building and its parking would encroach on the wetlands no-build zone. The Conservation Commission is open to dialog with wetland mitigation potentially under consideration. The bylaws require a 50 feet setback from the road so the potential development would require a Planning Board waiver. Wear wanted to know if the Planning Board would consider granting a waiver. Gibbs apprised the

Board of the Planned Commercial District's setbacks, screening and landscaping requirements. Purinton asked if the applicant was asking for a waiver on parking requirements. Wear said that yes, they would consider a waiver on parking spaces. Weatherall said that the 20 foot vegetative buffer is important and it can't be easily waived. Chadwick asked what the size of the site is. Wear said that it is 2 acres. Weatherall suggested decreasing the building size to decrease parking or making the rectilinear parking less so. Wear explained that the Massachusetts Highway Department doesn't like more than one egress. Gibbs asked if there was enough room to completely screen the parking area. Discussion ensued. Manzi said that he doesn't like the precedence set by waiving the setback, instead the ZBA could vary the setback since there may be a legally defined hardship regarding the wetlands and financial viability. Gibbs said that he thought allowing the ZBA to waive the setbacks would contradict the reason the waivers were created under the Planning Board's Site Plan Review, i.e. the need for multiple approvals. Discussion ensued. Wear said that he had gotten a good sense of what the Board was thinking.

Informal Discussion: 28 Northgate Road

Gibbs explained that the property owner had begun building a fence that was unintentionally located 3-5 feet into the Town-owned right-of-way and was requesting permission from the Board of Selectmen to allow it to remain there. A brief discussion ensued. Manzi said he thought that the Board should recommend removal of the fence from the Town-owned property to the Board of Selectmen. The Board agreed.

Approval of Minutes: 8-27-09

MOTION: Manzi moved to approve the draft minutes of the August 27, 2009 meeting. Weatherall seconded. The motion passed 4 to 0.

ADJOURNMENT

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

The meeting was adjourned at 9:55 p.m.

Respectfully Submitted,

Kathy Connor

The Planning Board approved these minutes on October 8, 2009.