



TOWN OF IPSWICH

Board of Selectmen

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May 1, 2017

Laura F. Shufelt
Community Assistance Manager
Massachusetts Housing Partnership
160 Federal Street
Boston, Massachusetts 02110

RE: *The Residences at Essex Pasture*, 28-44 Essex Road, Ipswich, 40B Project Eligibility Response

Dear Ms. Shufelt:

On behalf of the Ipswich Board of Selectmen, I am writing to inform you that we have received your letter of March 15, 2017, requesting comment on a 40B Project Eligibility application submitted to the Massachusetts Housing Partnership by 36 Essex Road Limited Partnership for a proposed 194-unit development at 28-44 Essex Road. This letter serves as our response. In preparing it, we sought input from Town boards and committees, staff, and the general public; we were also informed by the March 29 site visit attended by Town officials and staff. The Board of Selectmen discussed the project at its April 18 and May 1, 2017 meetings. A petition in opposition of the project was submitted to the Board of Selectmen and is attached to this letter. The Board also received many emails in opposition of the project.

As you know, the Town has long considered the property at 28-36 Essex Road to be an appropriate location for multi-family development. This is reflected by the property's inclusion in *Table 3-4: Parcels Potentially Suitable for Developments with Affordable Units* of Ipswich's 2006 *Town of Ipswich Affordable Housing Plan for Planned Production Regulation*. As such, we would support a 40B development on this site that provides true affordability to the residents of Ipswich and others, and provides housing that is appropriately scaled relative to massing, size, height, lot coverage and density. Unfortunately, the proposed development, as submitted, meets neither objective, and thus we cannot support it. Specifically, we oppose the current development proposal because: 1) it does not provide meaningful affordable housing opportunities based on the Ipswich housing market, as we demonstrate below; and 2) the subject property and the surrounding neighborhood is not appropriate for the scale of the proposed project with respect to the number of units, size/massing of buildings, extent of impervious surface, impact on environmental resources, and integration into existing development patterns.

1. Affordability

As noted by the Ipswich Housing Partnership, the proposed 40B at 28-44 Essex Road does not adequately address the needs of the low to moderate-income population in Ipswich. There is clearly a need for additional rental units in town that can be rented at a rent demonstrably lower than the market rate. Setting the rents based on 30% of income for a household at 70% of Area Median Income (AMI) does not, however, meet this need, as those rents are essentially on par with market-level rents here in Ipswich.

A recent study conducted by the Department of Planning & Development of existing rental properties in Ipswich (see attachment 1) indicates that representative market rents are as follows:

- 1 bedroom units: \$1,100-1,495
- 2 bedroom units: \$1,295-1,600
- 3 bedroom units: \$1,700-1,800

If we compare representative market rents for existing two-bedroom dwelling units in town with the rent limit for the proposed two-bedroom apartments at Essex Pastures based on the 70% affordable standard, we find that there is near parity (more than two-thirds of the proposed units at Essex Pastures are two-bedroom units). In one of the largest rental developments (100-101 Colonial Drive, which contains 100 dwelling units) the market rents are all **lower** than the Essex Pastures “affordable” rent limit.

This lack of meaningful distinction in rental rates between the Ipswich market and “affordable” rents based on the Boston-Cambridge-Quincy SMSA (within which Ipswich is located) has existed for many years. To address this issue, the Ipswich Special Town Meeting in 2006* changed the affordability requirement for rental units in the zoning bylaw from 70% to 60% AMI for income qualifications, and from 70% to 50% for rent limits.

2. Inappropriate Scale

The subject property is located, in substantial part, within the Highway Business (HB) District, which allows multi-family residential use as well as mixed commercial/residential use. Based on the land area that lies within the HB District, the zoning bylaw would allow up to 83 multi-family dwelling units (10% of which would have to be affordable) on the property. Thus, in adopting the Town’s zoning regulations, Town Meeting has established that the property can likely accommodate a development of that size. The proposed Essex Pastures 40B would have **well more than two times** as many dwelling units. To achieve that level of density, the developer is proposing a scale of development that overwhelms the site and is problematic in more than one respect, including:

- **Lack of sufficient buffers, landscaping and open space**

To accommodate the proposed units, driveways and parking areas, the site plan excludes components that would help mitigate the project’s impacts. The building and parking layout extends to within a few feet of the north and east property lines, leaving virtually no room for a vegetative buffer between the development and the abutting properties. There is also no meaningful landscaping within the large expanses of surface parking to soften its visual impact, and virtually no open space to provide playgrounds, gathering areas, and areas for outdoor activities.

- **Inadequate integration of proposed development into existing development pattern**

The residential properties east and northeast of the subject property are almost exclusively single-family homes. Several are immediately adjacent to the proposed development, which includes three, 4-story buildings on the northern and easterly portions of the site, each measuring 58 feet in height to the roof ridge, about twice the height of the surrounding residences. Besides being higher than the buildings in the surrounding neighborhood, the proposed four-story buildings are significantly higher than virtually every building in Ipswich, with the exception of a handful of mixed residential buildings in the downtown.

*The change was pursued after the developer of a nine-unit multi-family building met Ipswich’s affordability requirement by creating a permanently restricted unit that was added to the SHI by submission of a LIP application. The unit was rented to an income-eligible household, in compliance with LIP requirements, at the identical monthly rent as the buildings’ market units. Because of the zoning change initiated in response, restricted affordable rental units in Ipswich rent at a lower rate than market units. This would not be the case for the Essex Pastures 40B if the units were rented to households earning 70% of the median income, as currently proposed.



As noted in Section IV.A.3.b of DHCD's 40B Guidelines, a 40B project is often *"developed in the context of single family dwellings and introduces a different form of housing into the neighborhood. Assuming that this is the case, it is important to mitigate the height and scale of the buildings to adjoining sites. In this context, it is particularly important to consider the predominant building types, setbacks, and roof lines of the existing context."* The guidelines go on to discuss ways to achieve this mitigation, including modulating the massing and providing landscaped buffers. There is no evidence in the submitted materials that any mitigation of this type has been employed or even attempted. As a result, the development as proposed would be seriously detrimental to abutting properties with respect to light pollution, privacy, noise, and other aspects of the general welfare.

3. New or Modified Proposal

Given the magnitude of the deficiencies in the current eligibility application, we recommend that you reject it, reject it and require the submittal of a new and significantly modified proposal, or defer a decision on the applicant's proposal until it has been substantially modified. Regardless of which approach you take, we urge you to direct the applicant to make changes that would achieve the following:

1. To ensure that the proposed 40B effectively addresses the housing needs of the community, the below market units in the development should be affordable to households earning 50% of Area Median Income development (60% AMI for income qualification). We recognize that at this affordability level, under 40B regulations, the developer would only be required to provide 20% of the total units at below market rates, rather than the 25% that is currently proposed. While this is acceptable to the Town as a minimum, we would be more supportive of the modified proposal if it contained a greater number of 50% AMI units, or a tier of 60% AMI units.
2. Mitigate the incompatibility and adverse visual impact of the proposed four-story apartment buildings by reducing them to no more than three-story buildings with a maximum height of 45 feet, which is the maximum height permitted in Ipswich's zoning bylaw.
3. Mitigate the excessive amount of impervious surface and the lack of area for landscaping, outdoor play areas, vegetative buffer and open space, by removing at least one of the proposed apartment buildings in the development and redesigning the site layout using the area gained by its elimination.

The implementation of changes 2 and 3 above would serve to reduce the total density and thus provide an opportunity to address other Town concerns about the project. For example, lesser density would reduce the number of required parking spaces, thus allowing for a more robust buffer between the development and abutting properties, as well as more landscaping and open space on-site that could be used for outdoor play areas, places to congregate, barbecue, and enjoy the property.

4. Additional Comments and Questions

We recognize that the focus of MHP at this stage in the 40B process is primarily on whether the project as proposed meets the objectives of the 40B statute sufficiently to gain your authorization for it to proceed through the local approval process. As such, many of the comments and questions provided below are perhaps best considered by the ZBA if and when the project advances to that stage of the review process. Still, we thought it would be useful for both the applicant and MHP to be aware of various concerns, questions and expectations the Town will raise and discuss at that time. They include the following:

- The Town is concerned about the sewer flows that would be generated by this development. All sewage from customers south of the Ipswich River flows through a single pipe across the river that is over 60 years old. The pipe has a history of blockages, and was recently discovered to be exposed in the riverbed. Given the large scale of this project and its projected impacts, the Town will request that the developer provide an independent review of the proposed project's impact on the municipal sewer and water systems.



- Like many other communities in Massachusetts, Ipswich experienced water emergency conditions during 2016, which required the Town to impose substantial water restrictions from June through the end of the year. Even in the absence of drought, meeting the water demands of Ipswich's residents and businesses is an annual challenge, due in large part to water withdrawal limits placed on the Town by the Commonwealth. A project of the scale proposed, even if it is reduced by a third in size as recommended, will demand a significant amount of water. Accordingly, the Town will require the developer to:
 - Provide water and sewer flow estimates. By using the Title V flow standard of 110 gal/bedroom/day, we can estimate 15 million gallons/year of sewer flow as a rough basis for water demand. This estimate, however, does not include irrigation purposes. Depending on the extent of irrigation demand, water use could increase to 18-20 million gallons per year. Until estimated flows can be provided these figures will be used to compare to Water Management Act (WMA) permit limits. The estimated demand would bring the Town from 88% of our WMA authorization to 93%. This authorization is increasingly difficult to achieve given restrictions due to Manganese and the likelihood of further drought conditions.
 - Implement every possible water conservation measure. There is no evidence that the applicant has employed low impact development techniques to improve water quality, promote water conservation, or conserve other resources. To meet sustainable development objectives of the Smart Growth Criteria Scorecard, the applicant should incorporate water conservation measures into the development, both on the site and within the units. On-site conservation measures should include using native, drought tolerant plants and cisterns or other on-site recharged water storage systems for irrigation. The landscaping narrative does not provide details on the use of drought tolerant plantings or the site's irrigation needs.
- Because of the significant amount of wetlands on the site, the Town strongly encourages the applicant to work closely with the Conservation Commission throughout the comprehensive permit review process. The current plan shows stormwater directly discharging into wetlands, which is not permitted by the Wetlands Protection Act. This will need to be addressed by the applicant.
- The Town Electric Light Department will require information about the applicant's electrical needs and proposed energy conservation measures at the time of his submittal to the ZBA. This will include receiving answers to the following questions: Will the system be overhead or underground? Will it be privately maintained? What are the anticipated electrical loads? Will hot water heaters and clothes dryers be natural gas or electric? Where will transformers and meter panels be placed? Will the buildings be constructed to meet the stretch energy code? The Light Department encourages the installation of solar panels (preferably) or siting the buildings to take advantage of solar energy, or both.
- The applicant's Traffic Study Executive Summary indicates that on a typical weekday the development is expected to generate 1,300 daily vehicle trips. We are very concerned about the impact this additional traffic will have on the County Road and Essex Road intersection (which the applicant's traffic consultant projects to operate at a level of service F during peak morning and evening weekday travel periods, with or without the project), as well as on intersecting streets in the project area. The ZBA will hold the proponent to his commitment, provided in the executive summary, to monitor this intersection and commit to providing design plans for signalization of the intersection if the resulting level of service is poor as a result of the project. Further, the proponent proposes to implement a Transportation Demand Management Plan to reduce overall traffic impacts. This will be critical. The ZBA, as a condition of any permit approval, is likely to require full compliance with the management and mitigation proposed in the proponent's Traffic Study.
- The site plan will need to identify snow storage areas to be used during winter storm events.



- To facilitate its projections for annual enrollment in the Ipswich school system, as well as assess the impact of the development on the school district, the School Committee requests that the applicant provide, as part of his submittal to the ZBA, an estimate of the number of school children that will occupy the development.
- As part of his ZBA submittal, the applicant should provide a comprehensive stormwater management plan, as well as a photometric plan to allow the ZBA to evaluate the impact of proposed site lighting.
- To address the housing needs of Ipswich residents, including Town and school district employees, the Town would like the applicant to commit to providing local preference for some percentage of the dwelling units, preferably 70%.
- The Town has two large residential developments which include the phrase “The Residences at” in their name: “The Residences at Turner Hill” and “The Residences at Riverbend.” The latter is located ½ mile from the proposed “The Residences at Essex Pasture.” Public safety officials are concerned that including the phrase in another development, especially to one so close to the “The Residences at Riverbend,” could potentially cause confusion for personnel responding to emergency calls. As such, the Town would like the applicant to remove the phrase “The Residences at” from the name of his proposed development.
- The project does not appear to promote clean energy. The applicant should consider utilizing all electric energy, designing for passive solar gain and utilizing solar panels.
- The majority of the proposed open space, besides green strips around parking areas and buildings, is either open stormwater retention basins or wetlands and wetland buffer zones. It is imperative that new projects are environmentally and aesthetically compatible with the Town’s existing landscape.
- The site is categorized as having prime farmland soils and was used within the past few years for agricultural purposes. As such, the applicant should consider creating a community garden within the property’s open space for use by the tenants.

Ipswich’s Efforts to Create Affordable Housing and Facilitate Smart Growth

The Town of Ipswich has long supported the preservation and development of affordable housing. The Town regards Chapter 40B as an effective tool and in many instances has welcomed its use. The Town’s current percentage of permanent affordable housing, 8.6%, is substantially higher than that of most of our neighboring communities. Over the years the Town has approved more than ten 40B projects, including: a 70-unit elderly affordable housing project in the early 1980s; a 48-unit rental housing project approved in 2001; a 100% affordable, 48-unit rental housing development in 2004; a 36-unit for sale development in 2005; and a 15-unit rental development in 2006. A 40-unit for-sale 40B development, which has recently been found eligible by MassHousing to submit a comprehensive permit application to the ZBA, submitted its application on April 25th.

In addition to 40B projects, the Town over the past twenty years has taken a variety of steps to increase affordable housing supply in the community. These include:

- Adoption of an inclusionary housing zoning regulation that requires that all multifamily housing projects creating fewer than ten units to either make a payment of \$10K per unit to the Affordable Housing Trust or make a unit affordable. For multifamily projects that create ten or more units the developer is required to make one unit affordable for the first ten units and then either make the payment or provide a unit for the additional fractional units.
- Development of a tax-title parcel (for which the Town forfeited more than \$200,000 in taxes) into three single-family affordable houses and a four bedroom mental health group home.



- Operation of a first time homebuyer down payment assistance program, which has provided financial assistance to more than 30 income-eligible families.
- Adoption of a Great Estates zoning regulation that allows non-traditional development (to preserve estate properties) but requires that 10% of all dwelling units be affordable.
- Conversion of a Town-owned building into seven units of affordable elderly rental housing in the downtown.
- Conversion of a vacant Town-owned building into ten units of affordable elderly rental housing in central Ipswich.
- Establishment of a homeowners' rehabilitation program in 2003 and another in 2012 that has assisted 14 families to date.
- Adoption of a zoning regulation that allows accessory buildings in the two predominant residential districts to be converted into residential dwellings, subject to certain requirements, which include making the unit affordable or making a payment to the Affordable Housing Trust. Twenty-two accessory buildings have been converted to dwelling units under this provision.
- Adoption of an infill housing zoning provision that allows the construction of homes on certain undersized lots in the largely built-up Intown Residence District, provided the homes are affordable (there is a payment in lieu option of \$50K) and otherwise in character with the neighborhood. Four infill lots have been approved to date, resulting in a total payment of \$200,000 to the Town's Affordable Housing Trust Fund.
- Adoption of a zoning provision allowing accessory apartments (in 2004 it was expanded to allow accessory apartments in all zoning districts), which has led to the creation of 66 such units.
- Adoption of a zoning provision whereby the Planning Board may, by special permit, allow a density bonus in multifamily developments if the developer provides an affordable housing (units(s) or payment) or public recreational benefit. This provision has resulted in the creation of several new affordable housing units and helped make certain multifamily housing projects economically viable.

As a result of the initiatives described above, the Town has approved, preserved or created hundreds of units of affordable housing, many of which are subject to long term affordable housing restrictions. Through housing rehabilitation programs, the Town has preserved or provided housing opportunities for 14 households. The Town has also enabled dozens of first time home buyers with loans and grant assistance. To date, nearly \$600,000 has been contributed to the Affordable Housing Trust Fund, all but \$50,000 of which has been spent on affordable housing initiatives.

Conclusion

The efforts described above demonstrate both the Town's strong commitment to providing affordable housing to our citizenry, and our constructive bias towards sustainable smart growth development. Given our commitment, we ask that you give our views and concerns considerable weight as you evaluate the *Residences at Essex Pastures* 40B Project Eligibility Application.

Sincerely,



Charles D. Surpitski, Vice Chair
Board of Selectmen



ATTACHMENT 1

Ipswich apartments

11-Apr-17

Market rents

	1 bedroom		2 bedrooms		3 bedrooms	
	rent	size--sq ft	rent	size--sq ft	rent	size--sq ft
56 Little Neck Road	\$1,495	754				
34 Agawam Village	\$1100-2023	821-831	\$1600-2343	1163-1168	\$1800-3025	1421
Bayside	\$1145-1245	600-668	\$1,295	810-850	none	
100-101 Colonial Dr.						
3 4th Street					\$1750 furnished	1450
12 Highland Avenue			\$1,500	1100		
25 Turkey Shore Road					\$1,700	1400
Ed Dick, broker						
Ingrid Miles, broker	\$1,400		\$1,500		\$2,000	
MLS rentals, past 6 mos.			\$1,500		\$2,500	
			\$1,600			
			\$1,600			
			\$1,950			
			\$2,200			
			\$2,300			
Private owner			\$1,500			
Private owner			\$1,400	850		
Bruni's proposed	\$1,507	748 sf	\$1,807	1172 sf	\$2,350	1832 sf

composite of
nearby properties

1 bedroom		2 bedrooms		3 bedrooms	
rent	size--sq ft	rent	size--sq ft	rent	size--sq ft

Permissible affordable rents @ 70% AMI (max income @ 80% AMI):					
	\$1,373		\$1,545		\$1,716
Bruni's proposed	\$1,242		\$1,470		\$1,671

Permissible affordable rents @ 50% AMI (max income @ 60% AMI):					
	\$923		\$1,108		\$1,280
Bruni's proposed	na		na		na

Prepared by Department of Planning and Development, April 2017